



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE LANDS COMMISSION

NOTICE OF PROPOSED RULEMAKING

PROPOSED REGULATIONS GOVERNING MARINE OIL TERMINALS

TITLE 2. ADMINISTRATION DIVISION 3. STATE PROPERTY OPERATIONS CHAPTER 1. STATE LANDS COMMISSION ARTICLE 5.1. MARINE TERMINAL PHYSICAL SECURITY

The California State Lands Commission ("the Commission") proposes to adopt the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to adopt new regulations under Article 5.1, comprised of Sections 2430 through 2445, to Title 2, Division 3, Chapter 1 of the California Code of Regulations (CCR). These sections pertain to marine terminals, defined in Public Resources Code (P.R.C.) Section 8750, as facilities used for transferring oil and liquid petroleum products to and from tank vessels and barges. The proposed regulations would specify Commission requirements for a physical security program which will ensure the best achievable protection of public health and safety and of the environment.

PUBLIC HEARING

The Commission Staff will hold a public hearing at 10.00 AM on October 8, 2002 at the Commissioner's Board Room, Port of Long Beach, 925 Harbor Plaza, Long Beach, California 90801. This location is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing, relevant to the proposed regulatory action described in the Informative Digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony at the hearing they attend.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes at 5.00 PM on October 18, 2002. All written comments must be received at the Commission by that time. Written comments should be submitted to:

California State Lands Commission
Marine Facilities Division
200 Oceangate, Suite 900
Long Beach, CA 90802-4335
Attention: Livin Prabhu

Written comments may also be submitted by facsimile to (562) 499-6317, attention Livin Prabhu or by e-mail to "prabhul@slc.ca.gov"

AUTHORITY AND REFERENCE

P.R.C. Section 8756 directs the Commission to periodically review and accordingly modify its rules, regulations, guidelines and commission leasing policies to ensure that all operators of marine terminals within the state and marine facilities under the Commission's jurisdiction always provide the best achievable protection of the public health and safety and the environment. Accordingly, the proposed regulations would clarify regulations that were implemented pursuant to P.R.C. Sections 8750 through 8760, relating to oil spill prevention at marine terminals and the best achievable protection of public health and safety and the environment.

INFORMATIVE DIGEST

P.R.C. Section 8755 requires the Commission to adopt rules, regulations and guidelines, and leasing policies for reviewing the location, type, character, performance standards, size and operation of all existing and proposed marine terminals within the state, whether or not on lands leased from the Commission. P.R.C. Section 8751 makes it clear that these regulations apply to all terminals within the state, not merely those on lands under lease from the Commission. P.R.C. Section 8756 requires that the regulations be periodically reviewed and accordingly modified to ensure that all terminal operators provide the best achievable protection of the public health and safety, and the environment. P.R.C. Section 8757 directs the Commission to inspect or cause to be inspected, on a regular basis, all marine terminals, along with associated equipment, and to monitor their operations and effects on public health, safety, and the environment. Other statutory provisions governing contingency planning and other safety measures for terminals are found in other parts of the Lempert-

Keene-Seastrand Oil Spill Prevention and Response Act of 1990, under Chapter 7.4 of Title 2, Division 1 of the Government Code (Gov. C.).

As an initial measure, to ensure that all marine terminals were in a state of organized readiness to prevent and deter terrorist activity after the tragic events of September 11, 2001, the Commission adopted interim emergency regulations. These regulations required terminal operators to modify and update their safety standards and requirements by conducting a comprehensive physical security survey, preparing a terminal specific security plan, and designating a Marine Oil Terminal Security Officer. These regulations, the first of their kind in California, became effective May 7, 2001.

The Commission is now proposing a new Article 5.1, "Marine Terminal Physical Security", under Title 2, Division 3, Chapter 1, Article 5 of the CCR, consisting of Sections 2430 through 2445. The intent of Article 5.1 is to establish and ensure that a more comprehensive physical security program is implemented and maintained to prevent or deter acts of terrorism against the terminals and to protect the public health and safety and the environment. As a permanent measure, these regulations would supercede previous emergency regulations under Title 2, Division 3, Chapter 1, Article 5 Section 2351 that initially became effective on May 7, 2002 for a period of 120 days, and were readopted to extend their validity till October 26, 2002.

1. § 2430 specifies that the California State Lands Commission has the primary responsibility for carrying out the provisions of the Lempert-Keene-Seastrand Oil Spill Prevention and Response Act of 1990 within the Commission's jurisdiction.
2. § 2431 would establish the purpose of these regulations. It would also specifies the section of industry to which they apply.
3. § 2432 would provide definitions and acronyms applicable to certain terms used in the regulations.
4. § 2433 would establish the minimum requirements for a marine terminal security program.
5. § 2434 would require designation of a marine terminal security officer (MTSO) and alternates.
6. § 2435 would establish the responsibilities of the marine terminal security officer (MTSO).
7. § 2436 would establish the requirements for a marine terminal physical security plan by specifying the minimum contents of that plan.
8. § 2437 would establish identification requirements for terminal employees, contractors and visitors to the terminal.
9. § 2438 would establish access control requirements for terminals.

10. § 2439 would establish requirements for key control systems and locking devices.
11. § 2440 would establish requirements for perimeter fencing or barriers.
12. § 2441 would establish requirements for minimum lighting at terminals.
13. § 2442 would establish requirements for warning systems, signals and communications.
14. § 2443 would provide for the use of video and electronic surveillance systems or devices to augment or replace manual security systems.
15. § 2444 would establish requirements for terminal security training for all terminal employees and security awareness training for all terminal employees, contractors and visitors.
16. § 2445 would specify the procedure for approval of the marine terminal physical security plan.

SPECIFIC AGENCY STATUTORY REQUIREMENTS: REVIEW SUBCOMMITTEE ACTION

Government Code § 8574.10, subsection (b) requires that all regulations adopted pursuant to Chapter 7.4 (commencing with Section 8670.1) and Division 7.8 (commencing with Section 8750) of the Public Resources Code shall, prior to adoption, be submitted for review to the Review Subcommittee of the State Interagency Oil Spill Committee. The review subcommittee comprises the Director of Fish and Game, the Executive Officer of the State Lands Commission, the Executive Director of the California Coastal Commission, the State Fire Marshal, the State Oil and Gas Supervisor, the Executive Director of the State Water Resources Control Board and the Executive Director of the San Francisco Bay Conservation and Development Commission or their designees. The text of the proposed regulations has been mailed to those persons for their review and comment. If requested, a formal meeting of the Review Subcommittee will be scheduled.

DIFFERENCES FROM FEDERAL REGULATIONS

The Commission has determined that the proposed regulations do not duplicate or conflict with Federal regulations. There are no current Federal regulations addressing security at marine oil terminals.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Commission has made the following determinations:

The Commission has determined that proposed regulations that are the subject of these findings do not impose any mandates on local agencies or school districts.

The Commission has also determined that the proposed regulations do not impose any mandate requiring state reimbursement to any local agency or school district, pursuant to Government Code Sections 17500 *et seq.* No other non-discretionary cost or savings imposed on local agencies is anticipated.

The Commission has determined that no other costs or savings to any other state agencies are anticipated.

The Commission has determined that the proposed regulations will have no significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.

The Commission has determined that the proposed regulations will have no significant impact upon any of the following:

- (1) Creation or elimination of jobs within the State of California;
- (2) Creation of new business or the elimination of existing businesses within the State of California; and
- (3) Expansion of businesses currently doing business within the State of California.

The Commission has determined that adoption of these regulations will not affect small businesses. None of the business that will be governed by these proposed regulations can be considered to be a 'small business' as defined in Gov. Code § 11342.610

The Commission has determined that the proposed regulations will have no significant effects on housing costs.

The Commission has determined that the proposed regulations will have no impact on costs or savings in Federal funding to the State.

FISCAL IMPACT STATEMENT/FORM 399

The proposed regulations prescribe new requirements for the items listed below. The commission has determined:

1. Conducting a comprehensive physical security survey

Most terminals in California have completed this task in satisfying the requirements of the emergency security regulations 2 CCR § 2351. Immediately following the events of September 11, 2001, Division staff and the United States Coast Guard, together with terminal, conducted spot surveys of all marine oil terminals in California to assess their risk and the current security arrangements at marine terminals. These surveys take approximately one man-day for a small terminal, two man-days for a medium sized terminal and three man-days for a large terminal. Costs involved approximated \$50 per hour. As this work has already been completed, little or no additional costs are likely to be incurred by terminal operators.

2. Preparing a terminal specific security plan

As a result of the surveys conducted in item 1. above, all the necessary information for preparing a security plan should be available at each terminal. The costs for the preparation of the plan in-house are estimated to be about \$1,000. In the case of a large terminal, if professional consultants were employed, the costs may reach \$80,000. However, it is highly unlikely that professional consultants will be contracted. The larger terminals already have security personnel on staff that have or are capable of preparing security plans. Also, many terminal operators are represented by the Western States Petroleum Association, a professional organization with a technical committee that advises members on the best methods of achieving compliance. Most of these terminals have security arrangements that already meet the requirements of the proposed regulations.

3. Designating a Marine Oil Terminal Security Officer

It is expected that the job of Terminal Security Officer would be assigned to a person who is very familiar with the layout and operation of the terminal and is a current employee there. It is likely that such employee will receive an increase in salary for performing the extra duties. Several larger terminals, which are part of an oil refinery, already have an existing security force with a designated person in charge of security (see item 2. above)

4. Providing normal and additional security personnel

The cost of security guards is approximately \$35,000 per year.

5. Communications system for security

The cost of hand held radios is between \$50 to \$1000 depending on the sophistication of the system. Alternately, mobile cellular telephones may be used. These range from about \$45 to \$120 per telephone. All terminals are required to have means of communications for their operations. Existing means of communications may be extended to cover security arrangements without any additional cost.

6. Protective lighting of access points to the terminal

Most terminals have adequate lighting that satisfies the requirement. There may be a few terminals that would have to provide extra lighting at entry points to the terminal.

7. Fencing, gates or barriers including barbed wire tops

Most terminals have fencing, gates and barriers that meet with these requirements. A few terminals may have to add the barbed or razor wire topping. The cost of fencing is between \$9 and \$14 per linear

foot. The cost of gates can range from \$4000 to \$6000 dollars depending on the size of the gate and whether the gates are automated or manually operated.

8. Fixed and mobile security posts

Most terminals have entry control with a security guard post and gate shack. A small number of terminals (4 or 5) do not have this facility. They are located within a port where the port provides entry control. These terminals may be exempted from this requirement if they can demonstrate operational measures that would reduce their risk from terrorist activity.

9. Personnel and vehicle control (passes/badges/photo ID/escort etc.

All large and medium sized terminals have an entry control system. A few small terminals have a small number of permanent employees (less than 15 persons) and do not have identification badges or passes. A computerized digital photo entry control system is available for less than \$4,000. There are other systems available for screening employees, and the price varies with the degree of sophistication of the system. Visitors to a marine terminal without formal procedures in place may be controlled by screening their driver's licenses.

10. Initial and ongoing training

It is estimated that initial training in security awareness for employees would involve approximately 4 hours. This would include a walk around the terminal to familiarize personnel with security arrangements. Ongoing training of 30 minutes duration during mandatory safety meetings would ensure a high standard of security awareness among terminal personnel.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subsection (a)(13), the Commission has determined that there are no reasonable alternatives to the proposed regulations that have otherwise been identified and brought to the attention of the Commission that would be more effective in carrying out the security measures or would be as effective and less burdensome to affected private persons than the proposed regulations.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the above-mentioned hearings or during the written comment period.

CONTACT PERSONS

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AVAILABILITY OF STATEMENT OF REASONS
AND TEXT OF PROPOSED REGULATIONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Long Beach office. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Livin Prabhu at the address or telephone number listed above or by e-mail to "prabhul@slc.ca.gov"

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

Following the hearing and considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, shall be made available to the public for at least fifteen days prior to the date on which the Commission adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Livin D. Prabhu at the address indicated above. The Commission will accept written comments on the modified regulations for fifteen days after the date on which they are made available.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Livin D. Prabhu at the above mentioned address.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of regulations can be accessed through our website at http://www.slc.ca.gov/Division_Pages/MFD/MFD_Home.htm

TITLE 5. BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Bureau for Private Postsecondary and Vocational Education ("BPPVE") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs hearing room, 400 R Street, Suite 1030, Sacramento, California, at 10:00 a.m. on October 17, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the BPPVE at its office not later than 5:00 p.m. on October 17, 2002 or must be received by the BPPVE at the hearing. The BPPVE, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 94770, 94774, 94778, 94944 and 94945 of the Education Code and to implement, interpret or make specific Sections 94810, 94812, 94822, 94825, 94832, 94835, 94836, 94852, 94867, 94873, 94944 and 94945 of the Education Code, the BPPVE is considering changes to Division 7.5 of Title 5 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Informative Digest:

Amend sections 76000, 76010, 76120, 76130, 76200 and 76210; repeal sections 76100 and 76110 and adopt sections 76115 and 76215 in Division 7.5 of Title 5 of the California Code of Regulations (CCR).

1. Section 76000. Existing regulation at section 76000 makes cross-references to previously numbered sections of the former Act. The proposed amendment updates these cross-references to reflect the new Act's numbering system.

Existing regulations at subdivision (c) of section 76000 do not provide a complete definition of the term "Tuition" for purposes of the Student Tuition Recovery Fund (STRF). Tuition must include any fee charged to the student in order for the student to receive a certificate of completion or diploma, must not include costs of room and board or transportation and, for purposes of calculating assessment under Education Code section 94945, must not include the STRF fee. The proposed amendment makes these clarifications.

Existing regulations at subdivision (d) of section 76000 do not specify as part of the definition of "California resident" that students who are temporarily residing in California for the purpose of pursuing an education or hold a visa issued by the United States Immigration and Naturalization Service are not considered a "California resident." The proposed amendment makes this clarification.

Existing regulation at subdivision (f) of section 76000 makes cross-references to the prior version of the Act. This non-substantive regulatory proposal updates and renumbers these cross-references to conform to the current version of the Act.

Existing regulations at subdivision (g) of section 76000 do not specify by definition the types of fiscal losses that are considered reimbursable as "economic loss" under the STRF, and that the STRF fee is not included as an "economic loss." This regulatory proposal would provide for such a definition.

Existing regulations do not provide for definitions of "new student," "newly enrolled student," "soon after," and "Student Tuition Recovery Fund fee" or "STRF fee." This regulatory proposal would provide for such regulations at subdivisions (h)-(k) and modify the alphabetical order of subsequent definitions.

2. Section 76010. Existing regulations make references to the BPPVE's predecessor agency, the former "Council" for Private Postsecondary and Vocational Education. This regulatory proposal would reflect that on January 1, 1998, the Bureau for Private Postsecondary and Vocational Education (Bureau) succeeded to all rights and duties of the former "Council" as described under Education Code section 94770.
3. Section 76100. Existing regulations specify that assessments are to be collected from institutions that collect any amounts in advance of rendering service, including prepaid tuition. This regulatory proposal will repeal this section because Education Code section 94945, the statute upon which this regulation derives its authority, was amended on January 1, 2002 by Assembly Bill 201 (Chap-

ter 621, Statutes of 2001), and replaced similar language with a new methodology, making this regulation obsolete.

4. Section 76110. Existing regulations specify the method for calculating the assessment base and that students shall not be considered "newly enrolled" until the expiration of the students' right of rescission. This regulatory proposal would repeal the provision specifying the method for calculating the assessment base because Education Code section 94945 was amended by Assembly Bill 201 (Chapter 621, Statutes of 2001) on January 1, 2002, and provides a new formula for calculating assessments. The provision regarding students' right of rescission is being relocated and modified at Section 76130(b).

5. Section 76115. Existing regulations do not specify that a student who does not prepay his or her STRF fee at the time the student pays tuition is not eligible for STRF reimbursement. This regulatory proposal would provide for such a regulation.

6. Sections 76120. Existing regulations specify a formula for calculating the amount of regular STRF assessments based upon a formula in effect before January 1, 2002. The proposed amendment to subdivisions (a) and (b) of section 76120 will revise the formula for calculating STRF assessments to reflect recent changes to the Private Postsecondary and Vocational Education Reform Act by Assembly Bill 201 (Stats.2001, ch. 621), replace California resident with "new student," for which this regulatory proposal provides a definition, and clarify the assessment rate for amounts of \$1000 or less.

Existing regulations at subdivision (c) make incorrect references to the "Council." This proposed amendment would reflect that on January 1, 1998, the Bureau for Private Postsecondary and Vocational Education (Bureau) succeeded to the former "Council's" duties under the Private Postsecondary and Vocational Education Reform Act as described under Education Code section 94770.

7. Section 76130. Existing regulations specify the due date for remittance of assessments to the BPPVE within 30 days of the end of each quarter. Proposed regulations at subdivisions (a), (b)(1), (2) would change the due date for remittances, provide for a Quarterly Assessment Report, Form #STRF-03 (effective January 1, 2002) to be remitted to the BPPVE along with the STRF fees collected from the students, and provide for penalties for late submission of the STRF fees.

Existing regulations at subdivision (c) make incorrect references to the "Council." This proposed amendment would reflect that on January 1, 1998,

the Bureau for Private Postsecondary and Vocational Education (Bureau) succeeded to the former "Council's" duties under the Private Postsecondary and Vocational Education Reform Act as described under Education Code section 94770.

Existing regulations do not require institutions to collect and maintain a record of student information to substantiate the data and eligibility requirements reported in the Quarterly Assessment Report, Form #STRF-03. Proposed subdivision (d) would provide for such a regulation.

Existing regulations do not specify that the record of student information required to substantiate the Quarterly Assessment Report, Form #STRF-03, is to be maintained in a manner suitable for inspection upon request by the BPPVE and that any coding systems that are used should be readily available for inspection by the BPPVE. The proposed subdivision (e) would provide for such a regulation.

Existing regulations do not specify the procedure for remitting STRF fees to the BPPVE in the event that the BPPVE fails to send the Quarterly Assessment Report to an institution. The proposed subdivision (f) would provide for such a regulation.

8. Section 76200. Existing regulations provide for the use of Form number STRF 01, effective January 1, 1992 to be used to file claims for payment from STRF. The amendment to this regulation would replace this form with Form No. STRF 02, effective January 1, 2002.

Existing regulations at subdivisions (b)-(d) make incorrect references to the "Council." This regulatory proposal would reflect that on January 1, 1998, the BPPVE (Bureau) succeeded to all of the rights and duties of the former "Council" as described under Education Code section 94770.

Existing regulations at subdivision (c) impose limits on the amount that is reimbursable as economic loss. This regulatory amendment would move language in this section defining economic loss to the "Definitions" section under Article 1 for the term "economic loss" under proposed section 76000(g).

9. Section 76210. Existing regulations at subdivisions (a) and (b) make incorrect references to the "Council." This regulatory proposal will reflect that on January 1, 1998, the BPPVE (Bureau) succeeded to all of the rights and duties of the former "Council" as described under Education Code section 94770.

10. Section 76215. Existing regulations do not require a statement to be included on both the enrollment agreement and schedule of student charges that informs students of their obligation to pay the state-imposed fee for the Student Tuition Recov-

ery Fund (STRF) and advises students of the eligibility requirements for the STRF. Subdivision (a) of this section would provide for such a regulation.

Existing regulations do not require a statement to be included in the schedule of student charges describing the purpose, operation, and eligibility requirements of the STRF. This regulatory proposal would provide for such a regulation at subdivision (b) of this section.

Existing regulations do not specify for the BPPVE to mail a Notice and Explanation of Student Rights under the Student Tuition Recovery Fund, Form #STRF-04 (effective January 1, 2002) to students soon after an institution's closure or upon request by a student. Subdivision (c) would provide for such a regulation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal funding to the State: Insignificant. It is anticipated that State agencies will be able to absorb additional costs within their existing budgets and resources.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Bureau for Private Postsecondary and Vocational Education (BPPVE) has made an initial determination that the proposed regulatory action would have no significant adverse statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following relevant data was relied upon in making the above determination.

A comparison analysis was performed of the previous law and regulations with the proposed regulations. These changes make modifications/ additions to existing regulations, such as additional data collection, adding disclosures to student schedules, and enrollment agreements, clarification of due dates of quarterly assessments, etc.

Currently, vocational and degree-granting schools are required to prepare and submit administrative and financial STRF information. The proposed regulation would include approximately 300 short term-career institutions to prepare and submit administrative and financial STRF information. It is estimated that the

costs would be zero (\$0) to two thousand dollars (\$2,000) for initial preparation due to programming, reporting, and other paperwork (roughly 0–20 hours at \$100.00 per hours).

It is estimated that business costs would average \$0–1,000 for the first year due to reporting requirements that may require modifications to existing automated programs and paper documents. Estimating these changes would take 0–10 hours at \$100.00 per hour.

Because of the rate change in January 2003, (the second year) additional changes may be required. It is estimated that business costs would average \$0–1,000 for the first year due to reporting requirements that may require modifications to existing automated programs and paper documents. Estimating these changes would take 0–10 hours at \$100.00 per hour.

There are no anticipated annual on-going costs (third year).

Impact on Jobs/New Businesses: The BPPVE has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or affect the expansion of businesses in the State of California.

Cost Impact on Private Persons or Entities: The cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the BPPVE are as follows:

Individual (Student) Costs:

Using \$9,000 as the average cost of tuition, and the STRF assessment rate of \$3.00 per \$1,000, a student's STRF assessment would be \$27.00.

Beginning January 1, 2002 to December 31, 2002, students are required to pay a STRF assessment of \$3.00 per \$1,000 of tuition. Beginning January 1, 2003, the STRF assessment is reduced to \$2.50 per \$1,000 of tuition.

Business (Institution) Costs:

Initial costs for small and typical business: \$2,000 for the first two years (calendar):

It is estimated that business costs would average \$0–1,000 for the first year due to reporting requirements that may require modifications to existing automated programs and paper documents. Estimating these changes would take 0–10 hours at \$100.00 per hour.

Because of the rate change in January 2003, (the second year) additional changes may be required. It is estimated that business costs would average \$0–1,000 for the first year due to reporting requirements that may require modifications to

existing automated programs and paper documents. Estimating these changes would take 0–10 hours at \$100.00 per hour.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The BPPVE has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The BPPVE must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in the Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determination at the above-mentioned hearing.

NECESSITY FOR QUARTERLY REPORTS

The regulation which requires a report applies to businesses and is necessary for the health, safety or welfare of the people of the state. It is also necessary to comply with Education Code section 94945.

INITIAL STATEMENT OF REASONS AND INFORMATION

The BPPVE has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based may be obtained at the hearing or prior to the hearing upon request from Julieta Leon, Regulations Coordinator, Bureau for Private Postsecondary and Vocational Education, 400 R Street, Suite 5000, Sacramento, California 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Julieta Leon
Bureau for Private Postsecondary and
Vocational Education
400 R Street, Suite 5000
Sacramento, CA 95814
Telephone: (916) 445-3427, extension 3017
Fax No. (916) 323-6571

The backup contact person is:

Naomi Allen
Bureau for Private Postsecondary and Vocational
Education
400 R Street, Suite 5000
Sacramento, CA 95814
Telephone: (916) 445-3427, extension 3070
FAX No. (916) 323-6571

Inquiries concerning the substance of the proposed regulations may be directed to:

Amy Cox-O-Farrell at
(916) 445-3427 extension 3016

Website Access: Materials regarding this proposal can be found at www.bppve.ca.gov

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING

On **October 17, 2002** at 11:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING

On **October 17, 2002** following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING

On **October 17, 2002** following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**NOTICE OF PROPOSED CHANGES TO
TITLE 8 OF THE CALIFORNIA CODE OF
REGULATIONS BY THE OCCUPATIONAL
SAFETY AND HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Occupational Safety and Health Standards Board Administrative Regulations, Construction Safety Orders, and General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on October 17, 2002.

1. **TITLE 8: OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD ADMINISTRATIVE REGULATIONS**
Chapter 3.5, Subchapter 1, Articles 1 and 2
Sections 403, 404, 405.1, 407–407.3, 411, 411.1, 411.2, 412.2, 418 and 420
Variances from Occupational Safety and Health Standards and Appeals from Temporary Variance Decisions
2. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Chapter 4, Subchapter 4
Article 3, Section 1513
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7
Article 4, Section 3273
Protection from Falling Objects

A description of the proposed changes are as follows:

1. **TITLE 8: OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD ADMINISTRATIVE REGULATIONS**
Chapter 3.5, Subchapter 1, Articles 1 and 2
Sections 403, 404, 405.1, 407–407.3, 411, 411.1, 411.2, 412.2, 418 and 420
Variances from Occupational Safety and Health Standards and Appeals from Temporary Variance Decisions

**INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW**

Pursuant to Labor Code Section 142.3, the Board has adopted a number of regulations that govern Board consideration of requests for variances from occupational safety and health standards and appeals of temporary variance decisions. The Board has determined that some of these regulations require clarification or deletion and that additional regulatory provisions are needed.

The Board proposes to make the following amendments to the administrative regulations pertaining to requests for variances from occupational safety and health standards and appeals of temporary variance decisions:

- Revise the titles of Subchapter 1 and Article 2 to reflect the repeal of the term, and regulations governing, “Interim Variances” from a previous rulemaking action;
- Add “Conveyance Owner” to the definition of “Employer”;
- Define the term “Conveyance Owner” to ensure conveyances, such as elevators and escalator, are included in the regulatory requirements pertaining to variances;
- Add administrative provisions specifically for conveyances;
- Clarify regulations regarding how to compute deadlines for tasks required in the variance process;
- Rephrase the undefined term “panel itself” to simply “panel”;
- Revise and relocate regulations regarding notification and service requirements that arise during the variance process to a more appropriate area within the administrative regulations.
- Add service and notification requirements tailored to Conveyance Owners;
- Clarify and revise the requirements for completing a variance application;

- Clarify the process which allows parties to a variance proceeding to request that the Board take action on the matter prior to the variance hearing; and
- Clarify the requirements pertaining to pre-hearing conferences.

Moreover, this proposed rulemaking action contains non-substantive, editorial and grammatical revisions. These non-substantive revisions are not all discussed in this Informative Digest, but they are clearly indicated in the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following actions are proposed:

Subchapter 1

The existing title of Subchapter 1 reads, “Rules of Procedure for Interim and Permanent Variances, and Appeals from Temporary Variances.” The Board proposes to omit the reference to interim variances from the title of Subchapter 1, since the term “interim variances” and the regulations governing such variances was repealed in a prior rulemaking action. Consequently, the proposed revision will have no effect upon the regulated public since interim variances are not a viable option.

Section 403

Section 403 provides definitions pertinent to the rules of procedure for permanent variances and appeals from temporary variances. This section defines the term “Employer” but does not specifically include entities that own or have custody of conveyances governed by Title 8’s Elevator Safety Orders. Conveyance owners often have cause to seek variances from the Title 8 safety orders governing their devices and the absence of any reference to “conveyance owners” in the administrative regulations sometimes proves confusing for those individuals/entities requiring a variance for such equipment. Moreover, since the Board proposes to add administrative provisions specifically for conveyance owners, it is necessary to clarify who will be regulated by these requirements. Accordingly, the Board proposes to define “Conveyance Owner” and include conveyance owners in the definition of “Employer”. The proposed revision will clarify that conveyance owners are covered by the administrative regulations pertaining to variances and will clarify that they may seek variances from the Title 8 safety orders.

Section 404

Section 404 specifies how to calculate deadlines related to tasks stated in the administrative regulations. Non-substantive changes are proposed to clarify that the reference to “days” pertains to calendar days and

to clarify how weekend days and holidays are to be treated. These proposed amendments will clarify the intent of the existing regulation.

Section 405.1

Section 405.1 describes the authority afforded hearing officers, the power of the Board, and the hearing “panel itself.” While “Board itself” is a defined term in the administrative regulations, “panel itself” is not. The Board believes that the reference to “panel itself” could cause confusion and should be amended to simply state “panel.” This amendment is non-substantive and will eliminate the possibility of confusion on this issue.

Section 40–407.3

Sections 407, 407.1, 407.2 and 407.3 contain service and notification requirements for variance hearing participants. Specifically, Section 407 requires that any document submitted to the Board by a hearing participant be served on all parties, and states that parties who have representatives should be served through their representatives. The section further states the manner in which service may be affected. Section 407.1 describes options for demonstrating proof of service. Section 407.2 describes documents that must be posted for employees or served on an authorized employee representative, and states that all postings must be maintained until the time of hearing. Section 407.3 states the notification obligations of an employee, or authorized employee representative, who is seeking to appeal a ruling on a temporary variance. These sections are currently contained in Article 1 of the administrative regulations, which is entitled “General.”

The Board proposes to consolidate and move these sections to Article 2, Applications for Permanent Variance, and Appeals from Temporary Variance, Sections 411.2, 411.3 and proposed new Section 412.2. The Board believes these provisions should be placed in Article 2, because the documents to be served or posted pertain to variance applications and appeals. It is also proposed to change the titles of Sections 411.2 and 411.3 from “Interim Variances” and “Notice of the Granting of an Interim Variance” to “Compliance with Notification and Posting Requirements Regarding Variance Proceedings and Temporary Variance Appeals” and “Employer Posting and Notification Responsibilities Regarding Variance Proceedings and Temporary Variance Appeals”, respectively. This revision is necessary due to the repeal of the term, and regulations regarding, “interim variance(s)” from a previous rulemaking action. The proposed amendments will have no effect other than to provide clarity to the regulations and make it easier for the regulated public to locate the posting and notification requirements pertaining to variances.

Existing Section 407(a) requires that all documents pertaining to a variance that are submitted to the Board be served on all parties. A revision is proposed to delete this provision, since the Board has assumed responsibility for ensuring that all documents reach all parties prior to the variance hearing. The Board assumed this responsibility so that variance hearings could proceed as scheduled. This amendment will save variance participants from unnecessarily completing a task that has been assumed and is being performed by the Board.

The Board also proposes to eliminate duplicative language in the administrative regulations by combining the requirements in existing Sections 407(b) and 407.2(b), both of which require that relevant documents be served on an authorized employee representative, into proposed new Section 411.2(a). In addition, the Board proposes to combine the notification requirements of Sections 407(c) and (d) into proposed new Section 411.2(b), since both sections list first-class mail or personal delivery as the permissible means of notification for all hearing participants. The proposed amendments will have no effect other than to provide clarity in the administrative regulations.

Article 2

The existing title of Article 2 reads, "Applications for Interim and/or Permanent Variance, and Appeals from Temporary Variance." The Board proposes to omit the reference to interim variances from the title of Article 2, since the term "interim variances" and the regulations governing such variances was repealed in a prior rulemaking action. Consequently, the proposed revision will have no effect upon the regulated public since interim variances are not a viable option.

Section 411

Section 411 specifies the requirements for a completed permanent variance application.

Currently, subsection (a) permits an employer or class of employers to file a variance application. The Board proposes to remove the reference to "class of employers." The Labor Code does not specifically authorize the Board to entertain applications from a "class of employers" and the practice has proved problematic when used in the past. Moreover, Section 419 permits the Board to consolidate the applications of multiple employers for hearing or decision when the applications are sufficiently similar to each other. Because the Board may consolidate matters, where appropriate, this amendment will have no effect on the regulated public.

The Board further proposes to revise subsection (a) to emphasize that variances are granted from the regulations contained in *Title 8 of the California Code of Regulations*. Presently, employers sometimes request variances from national consensus standards or

standards contained in Title 24. This amendment will help clarify that the Board may grant variances from the Title 8 safety orders only.

As written, Section 411 does not require that an application for permanent variance be submitted under penalty of perjury. Because the Board relies on the representations made in the application, it is important to ensure that they are accurate and truthful. Accordingly, the Board proposes to add this requirement to subsection (a). The proposed amendment will have no effect on the regulated public, since variance applicants should already be adhering to this requirement.

The Board further proposes to add a "note" to subsection (a) that will direct variance applicants to the definition of "Employer" contained in Section 403(n). The previously mentioned revisions to this definition specify that "conveyance owners" are "Employers" for purposes of applying for a permanent variance. The Board believes that the note will help conveyance owners, who are sometimes confused by the term "Employer," know that they are included in that term. Moreover, the Board proposes to replace the term "applicant" with the term "Employer" in this section to provide greater clarity throughout the regulations. The proposed revisions will have no effect other than to clarify that conveyance owners and variance applicants are "Employers".

In subsections (b) and (b)(10), the Board proposes to clarify that Employers must submit six copies of their variance applications (instead of one), and six copies of any photographs, blueprints or other illustrative materials (instead of three). The Board requires this number of copies, because the application must be distributed to various individuals involved in the evaluation and review process. In many instances, the application includes illustrative materials that the Board is unable to copy for the variance applicant, thus delaying the processing of the application. Amending the regulation to specify that six copies are required will reduce such delays and render the regulation consistent with the Board's current practice.

Existing subsection (b)(2) requires that the address of the place(s) of employment involved in the variance request be included in the application. The Board proposes to amend subsection (b)(2) to require that variance applications provide the address "where the variance will be in effect." The proposed amendment recognizes that some variances are granted for locations that are "places of employment" only in the technical sense of the term. For example, a variance granted for an escalator in a public shopping mall technically is in a place of employment, because the mall is a place of employment for the mall's employees. Nonetheless, it is also a commercial center and a public gathering place. Accordingly, the Board proposes to amend this section to avoid confusion

resulting from use of the term “place of employment.” The proposed amendment will clarify the regulatory intent and will have no effect upon the regulated public.

The Board proposes to make similar non-substantive changes to subsections (b)(3) and (b)(4) to better clarify the intent of those sections.

Existing subsection (b)(5) requires variance applicants to certify that they have complied with certain employee notification responsibilities, one of which involves the posting of the variance application, or a summary of it, and specifying where a copy may be examined, at the place or places where notices to employees are normally posted. This requirement conflicts, however, with existing Section 407.2(a) (proposed Section 411.3) which states that employers are to post the variance application, or a summary of it, after the application has been docketed. To eliminate this conflict, the Board proposes to amend subsection (b)(5) to require certification in the variance application that the employer will comply with the notification and posting requirements contained in proposed Sections 411.2 and 411.3. Proposed Sections 411.2 and 411.3 contain a revised version of existing Section 407.2 and outline how the notification and posting must occur. This amendment will clarify the regulatory requirements by eliminating an inconsistency in the existing standards.

Similarly, existing subsection (b)(6) requires that the variance application describe how employees have been notified of their rights in the variance process, while existing Section 407.2(a) (proposed Section 411.2(a)) requires that employees be notified of their rights after the variance has been docketed. Because it is more meaningful to notify employees of these rights once the application is in final form and has been docketed, the Board proposes to delete subsection (b)(6) and instead state this requirement solely in Section 411.2. As noted, subsection (b)(5) will require that employers certify under penalty of perjury that they will comply with Section 411.2’s requirements. This amendment will clarify the regulatory requirements by eliminating an inconsistency in the existing standards.

Non-substantive amendments, including renumbering, are proposed for remaining subsections (b)(7), (9) and (10) which will clarify the intent of the regulations.

Section 411.2

The contents of existing Section 411.2, Interim Variances, were repealed in a prior rulemaking. The Board proposes to rename this Section, “Compliance with Notification and Posting Requirements Regarding Variance Proceedings and Temporary Variance Appeals”, and add the revised contents of existing

Sections 407(b) and (c), 407.1, and 407.2(b). Those sections address the manner in which parties are to be notified of events that occur during the variance process and are proposed for repeal. The Board proposes to move these provisions to this location because the posting and notification obligations pertain to the variance application, so it seems appropriate to address this issue in the Article that contains the application requirements.

The Board proposes to combine and revise Sections 407(c) and 407.1, including replacing the term “service” with the term “notification” because “service” reflects a degree of legal formality that the Board does not observe in the variance process. The Board also proposes to incorporate one of the provisions of existing Section 411(b)(5) which requires that both the affected employees and their authorized representative be notified of variance events. As explained above, the Board proposes to delete Section 411(b)(5). These amendments will better communicate variance participants’ responsibilities, will place the regulations in a more logical location, and will better reflect the regulatory intent.

Section 411.3

The contents of existing Section 411.3, Notice of the Granting of an Interim Variance, were repealed in a prior rulemaking. The Board proposes to rename this Section, “Employer Posting and Notification Responsibilities Regarding Variance Proceedings and Temporary Variance Appeals”, and add the employer-specific posting and notification responsibilities currently outlined in existing Section 407.2, which is proposed for repeal. The Board proposes to move these provisions to this location because the posting and notification obligations pertain to the variance application, so it seems appropriate to address this issue in the Article that contains the application requirements. The provisions of existing Section 407.2 will also be editorially revised to provide greater clarity.

In addition to re-locating and revising the provisions of existing Section 407.2, the Board proposes to add notification requirements specifically for conveyance owners to Section 411.3. The Board recognizes that the employees of a conveyance owner generally are not the employees affected by a variance. Instead, it is the employees of the conveyance maintenance provider and the building maintenance provider that are more likely affected by a variance. Consequently, the Board proposes to require conveyance owners to notify their conveyance maintenance provider and the building maintenance provider of a variance request. These amendments will better communicate variance participants’ responsibilities, will place the regulations in a more logical location and will provide more meaningful notification requirements for conveyance owners.

The Board further recognizes that conveyance owners often apply for variances pertaining to new or vacant buildings. In such instances, there often is no one to inform of the variance request. In response, the Board proposes to add an exception to the notification requirements for those situations. The exception would require the conveyance owner to attest to the lack of a conveyance maintenance or building maintenance provider in the application and would require the owner to comply with the regulation if a conveyance or building maintenance provider is hired before the variance hearing occurs. The proposed amendment will clarify the requirements that are specific to conveyance owners and eliminate unnecessary notification practices.

Section 412.2

Proposed new Section 412.2 will contain the revised contents of existing Section 407.3, which pertains to employees' duty to notify employers of employee-initiated temporary variance appeals. Section 407.3 is proposed for repeal. The Board proposes to editorially revise and relocate the provisions of existing Section 407.3 to proposed new Section 412.2 in order to place them in proximity to the other regulations that pertain to temporary variance appeals and better communicate affected employees' and/or employee representative's obligations in such situations. These amendments will place the regulation in a more logical location and will clarify the regulatory intent.

Section 418

Section 418 addresses requests in which Employers ask the Board to take a specific action on a variance matter prior to the variance hearing. The Board proposes to revise this section to clarify that such requests must be made in writing. The Board also proposes to replace the term "motions" with the term "requests" to clarify that the requests need not be filed in a legal format. In addition, the Board proposes to require that these requests state the variance docket number in lieu of the "title" and "number of the case." These changes are needed because the Board's record keeping system relies on docket numbers, variances do not typically have "titles", and variances are not considered "cases."

The Board further proposes to specify that, if a hearing officer has not been assigned to a variance, such requests should be sent to the executive officer and that, if a hearing officer has been assigned, the hearing officer may handle such requests without the Board members' involvement. This proposed revision will conform the regulation to the Board's current practices and will have no effect on the regulated public.

Section 420(a)

Section 420(a) allows the Board to require an information exchange or meeting between the parties to a variance prior to the variance hearing for the purpose of considering matters that will tend to simplify the issues or expedite the proceedings. Such actions may be made either on the Board's own initiative or at the request of a party. The Board proposes to replace the references to "motions" in this section with other terms that do not suggest a legal format in order to clarify that pre-hearing activities need not be legal in nature. The Board further proposes to specify that, if a hearing officer has been assigned to a variance matter, the hearing officer may resolve pre-hearing concerns without the involvement of the Board members. The proposed revision will allow the Board more flexibility in resolving issues before a hearing by allowing the hearing officer to address these concerns with those parties who need to be included in its resolution.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose non-discretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one that carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out

the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

2. TITLE 8: CONSTRUCTION SAFETY ORDERS

Chapter 4, Subchapter 4

Article 3, Section 1513

GENERAL INDUSTRY SAFETY ORDERS

Chapter 4, Subchapter 7

Article 4, Section 3273

Protection from Falling Objects

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The proposed rulemaking is the result of a request from the Division of Occupational Safety and Health (Division) for rulemaking to address hazards of falling or dropped materials in general industry. The Division’s request was based on a proposal prepared by the Mining and Tunneling Unit (M&T) following an accident investigation where an employee working below a screen deck at a surface mine was fatally injured when he was struck on the head by a 4 foot by 5 foot screen section (weighing approximately 60 pounds) that had been replaced and was being removed from an elevated work location. At the time of the incident, the fatally injured employee was wearing approved head protection, but still suffered a fractured skull. During the subsequent accident investigation, M&T personnel became aware that an unregulated hazardous condition exists. Existing regulations addressing the hazards of objects thrown from elevations are found in the Construction Safety Orders (CSO), but they do not apply to general industry.

Based on the Division’s request, the Occupational Safety and Health Standards Board (Board) convened an advisory committee to consider proposed revisions to the General Industry Safety Orders (GISO). Board staff incorporated the consensus recommendations of the advisory committee into this proposal.

This proposal will place regulatory language addressing issues such as, prevention of objects from falling onto employees from elevated locations, safe methods for lowering objects from elevated locations, etc., in the GISO where they will apply to both construction and general industry. This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

CSO, Section 1513. Housekeeping.

Subsection (g)

This subsection prohibits the throwing of waste, material, or tools from buildings or structures to areas where employees may be located unless the area of impact is guarded by fences, barricades, or other means and/or methods to prevent employees from entering the impact area and being struck by falling objects. It also requires warning signs to be posted.

This rulemaking proposes to amend subsection (g) to redirect the regulated public to Section 3273 of the GISO for regulations addressing the prevention of objects from falling on employees and for methods of lowering objects from elevated locations in a safe manner. The effect of the proposed modification will change a vertical standard for construction to a horizontal standard for general industry, thus providing protection from falling objects that are currently available only to those in the construction industry to employees in both construction and general industry.

GISO, Section 3273. Working Area.

Subsection (e) Preventing objects from falling:

The existing requirement in subsection (e), which limits the size of openings in platforms and runways to prevent materials from falling through the openings, is proposed to be relocated to subsection (e)(2). The relocation is part of a proposal to group two existing and one additional requirement for protection from falling objects under a single heading. The relocation of subsection (e) to (e)(2) will have no effect on the regulated public. Additionally, subsection (e) is proposed to be named "preventing objects from falling," to assist the regulated public in locating regulations pertaining to the prevention of objects from falling from elevated work areas to areas below where employees are exposed to the hazard of falling objects. The effect of the relocation of the existing subsection and the naming of the subsection will clearly indicate where the proposed regulations pertaining to preventing objects from falling on employees below are found.

Subsection (e)(1)

Proposed subsection (e)(1) will require that where employees are exposed to hazards of being struck by falling objects, all objects aloft shall be secured against accidental displacement when not in use, unless provisions are taken to secure the area of impact. The effect on the regulated public will require employers to assure that care is taken to secure objects aloft, including materials, equipment and tools against accidental displacement by wind, or other foreseeable or unforeseen forces when there is a potential they could fall and cause injury to employees located below. Such protective measures could include tethers,

tie-downs, or netting in the elevated work area, or physical barriers and warning signs at the area of impact. These measures are in addition to currently required head protection (GISO Section 3381).

Subsection (e)(2)

Existing subsection (e), which limits the size of openings in platforms and runways to prevent materials from falling through the openings, is proposed to be relocated to new subsection (e)(2). An obsolete reference to Title 24, Part 2, Section 2-3906 will also be removed. This proposed editorial revision will have no effect on the regulated public.

Subsection (e)(3)

Existing subsection (f) requires measures or means to prevent or protect employees below from the hazards of objects that are of such size that they could fall through platform or runway gratings used as work platforms during repair or maintenance activities. Existing subsection (f) is proposed to be relocated to new subsection (e)(3) and grouped with other subsections pertaining to employee protection from falling objects. The proposed editorial revision will have no effect on the regulated public.

Subsection (f) Lowering objects:

The content of existing subsection (f) is proposed to be relocated to new subsection (e)(3) [see above]. Additionally, subsection (f) is proposed to be named "lowering objects," and to contain regulations pertaining to intentional lowering of objects. It will also address alternative practices in the event controlled lowering is not practical or would subject employees to a greater risk of injury. The effect of naming subsection (f), "lowering objects," will clearly indicate to the regulated public where the proposed requirements pertaining to lowering objects may be found.

Subsection (f)(1)

This new subsection will identify controlled lowering of objects from elevations as the preferred method of removal. This subsection lists methods such as, but not limited to the use of enclosed chutes, material handling equipment, or hand lines for controlled lowering. This subsection will restrict removal of objects from elevations by uncontrolled lowering (i.e., throwing). The effect on the regulated public will require employers to exercise more care in the disposal of objects from elevations; therefore, it will also prevent or reduce injuries caused by employees being struck by uncontrolled falling objects.

Subsection (f)(2)

This new subsection requires provisions to be made to prevent employees or the general public from entering the area of exposure to uncontrolled falling

objects when controlled lowering is not practical, or when controlled lowering would subject employees and/or the general public to a greater risk of injury. The effect of this subsection on the regulated public will codify what is common practice on most, though not all, construction sites. Since this requirement is proposed to be located in the GISO, it will create a horizontal standard that will, given the structure, application and relationship of the GISO to Title 8, apply to construction as well.

Subsection (f)(3)

This new subsection requires the posting of warning signs around areas subject to the hazard of objects being lowered in a controlled or uncontrolled manner. This new requirement makes specific a general requirement for accident prevention signs found in GISO Section 3340. The effect on the regulated public will clarify that warning signs are required to be posted in addition to physical barriers around affected work areas when objects are being lowered in a controlled or uncontrolled manner.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action.

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v. State of California* (1987) 189 Cal.App.3d 1478.)

The proposed regulations do not impose unique requirements on local governments. All employers—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention

of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than October 11, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on October 17, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PUBLIC HEARING

NOTICE OF PROPOSED REGULATORY ACTION AMEND COMMISSION REGULATION 1005(d) AND PROCEDURE D-2

CONTINUING PROFESSIONAL TRAINING (CPT)

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the Penal Code (powers of the Commission on POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing on staff's proposal will be held before the full Commission on:

Date: November 21, 2002

Time: 10:00 a.m.

Place: Hyatt Regency Hotel, Monterey
1 Old Golf Course Road
Monterey, CA 93940

Notice is also hereby given that any interested person may present oral statements or arguments relevant to the action proposed during the public hearing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

At its November 8, 2001 public hearing, the Commission postponed action on a proposal to increase the Continuing Professional Training (CPT) biennial requirement from 24 hours to 40 hours to ascertain the proposal's impact upon law enforcement agencies. Extensive research was subsequently con-

ducted and presented to the Commission's Long Range Planning Committee meeting on June 7, 2002. On the basis of the research findings, the Committee unanimously recommended this proposal be placed on the Commission's July 2002 agenda for approval to schedule another public hearing. At its July 17, 2002 meeting the Commission approved the scheduling of a public hearing for its November 2002 meeting.

In conducting research, POST staff examined several aspects of the current CPT requirements. The total CPT experiences of all police and sheriff departments for calendar years 2000 and 2001 were analyzed. Interviews were conducted with training managers and executives from small-, mid-, and large-sized agencies. Benchmarking was conducted with other California public safety entities and other selected professions. Also, California's CPT requirements were compared with all other states' requirements.

The research disclosed that California law enforcement agencies were already averaging 40 hours of CPT per sworn employee **per year**—double the amount proposed. It was also discovered that on a national level 22 states had hourly CPT standards that exceeded California's. Further, within California, both corrections and fire employees exceed law enforcement's CPT hourly requirement.

The study's finding was that an increase in the CPT requirement was both warranted and readily attainable. Given the fact that the amount of CPT already attended by individual officers on the average exceeds by more than three times the current 24-hour standard, compliance with an increase in the CPT requirement could be easily attained with proactive management of the training function.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed actions. All written comments must be received at POST no later than 4:30 p.m. on October 14, 2002. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at ken.obrien@post.ca.gov

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all

persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date of which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Initial Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Costs to any Local Agency or School District for which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Businesses: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendment of Commission Regulation 1005(d) and Procedure D-2 will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed action/text for the proposed increase in CPT hours should be directed to Mike Hooper, Senior Consultant, (916) 227-3912, fax number (916) 227-4011, or e-mail at mike.hooper@post.ca.gov.

INTERNET ACCESS

The Commission has posted on its website (www.post.ca.gov) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

NOTICE OF PUBLIC HEARING

NOTICE OF PROPOSED REGULATORY ACTION TO AMEND COMMISSION REGULATION 1005, 1070, 1082, AND PROCEDURE D-3 SUPERVISORY COURSE CURRICULUM

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST), pursuant to the authority vested by Sections 13503 of the

Penal Code (powers of the Commission on POST) and Section 13506 (authority for Commission on POST to adopt regulations), and in order to interpret, implement and make specific Sections 13510 (authority for the Commission on POST to adopt and amend rules establishing minimum standards for California local law enforcement officers) and 13510.5 of the Penal Code (authority for the Commission on POST to adopt and amend standards for certain other designated California peace officers), proposes to adopt, amend or repeal regulations in Chapter 2 of Title 11 of the California Code of Regulations. A public hearing on staff's proposal will be held before the full Commission on:

Date: November 21, 2002

Time: 10:00 a.m

Place: Hyatt Regency Hotel
1 Old Golf Course Road
Monterey, CA 93940

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Beginning in 1998, POST staff conducted a series of focus group meetings to evaluate the curriculum of the Supervisory Course. The focus group was comprised of supervisors who had recently completed the Supervisory Course. They concluded that the current course did not meet the needs of supervisors. Focus group participants made two major recommendations. First, that leadership techniques and ethical decision-making be emphasized in the course and, secondly, that instructors use more scenarios and practical exercises in an adult-learning environment so that students could develop strategies for addressing a wide range of supervisory issues.

The Commission authorized the redesign of the current course to provide more realism by using experience-based learning techniques, realistic case studies. A curriculum design committee identified five general areas of instruction: leadership, communication, developing people, risk management, and topics requiring technical competence. From these general areas, 21 learning goals were developed and incorporated into a course outline. The committee also produced an instructor's guide, a series of videotaped scenarios that present supervisory problems, and a package of materials described as the supervisor's "desk drawer" that support the course and the class exercises. The course curriculum is presented using two facilitators who engage the students in adult learning activities and structured small group exercises. Guest lecturers also provide instruction on technical subject matters.

The Commission proposes to amend Regulation 1005, Minimum Training Standards, to include the new effective date of the course curriculum. No changes to the wording of the regulation are being made.

The Commission proposes to amend Regulation 1070, Minimum Training Standards for Instructors of POST-Certified Specialized Training Courses, to include the Supervisory Course in the list of courses requiring specialized instructor training prior to leading instruction in the course. Instructors of the Supervisory Course would be required to attend Supervisory Course Instructor Training. The revised curriculum is more complex in nature and requires special instructional skills to adequately present the course.

The Commission proposes to amend Regulation 1082, Minimum Content Requirements for POST-Certified Instructor and Academy Staff Courses. This amendment will add minimum course content and competency verification requirements for instructor training for the Supervisory Course.

The Commission also proposes to amend Procedure D-3, Supervisory Course, to reflect the adoption of the revised curriculum and course content. Amendments will delete all reference to the curriculum adopted in 1982 and revised in 1988 and replace it with the new curriculum.

PUBLIC COMMENT

The Commission hereby requests written comments on the proposed action. All written comments must be received at POST no later than 5:00 p.m. October 14, 2002. Written comments should be directed to Kenneth J. O'Brien, Executive Director, Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA 95816-7083, fax number (916) 227-2801, or email at ken.obrien@post.ca.gov.

ADOPTION OF PROPOSED REGULATIONS

Following the close of the public comment period, the Commission may adopt the proposal substantially as described in this notice or may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before adoption, the text of any modified language clearly indicated will be made available at least 15 days before the date of adoption to all persons whose comments were received by POST during the public comment period, and all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to

the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date on which the revised text is made available.

TEXT OF PROPOSAL

Copies of the Statement of Reasons and exact language of the proposed action may be obtained by submitting a request in writing to the contact person at the address below. This address also is the location of all information considered as the basis for these proposals. The information will be maintained for inspection during the Commission's normal business hours (8 a.m. to 5 p.m., Monday through Friday).

Copies of the Final Statement of Reasons, once it has been prepared pursuant to subdivision (a) of Section 11346.9, may be obtained from the address at the end of this notice.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Non-discretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states, and has found that the proposed amendment of Commission Regulation 1005, 1070, 1082, and Commission Procedure D-3, will have no effect on California businesses, including small businesses, because the Commission on Peace Officer Standards and Training sets selection and training standards for law enforcement and does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

ASSESSMENT

The adoption of the proposed amendments to this regulation will neither create nor eliminate jobs in the state of California, nor result in the elimination of existing businesses or create or expand businesses in the state of California.

CONSIDERATION OF ALTERNATIVES

In order to take this action, the Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSON

Inquiries concerning written material pertaining to the proposed action should be directed Leah Cherry, Associate Governmental Program Analyst, 1601 Alhambra Boulevard, Sacramento, CA 95816-7083, or by telephone at (916) 227-3891, fax number (916) 227-3895 or e-mail at leah.cherry@post.ca.gov. The back-up contact person as well as inquiries concerning the substance of the proposed revisions to the Supervisory Course should be directed to Ken Whitman, Bureau Chief, (916) 227-2820, fax number (916) 227-4823 or e-mail at ken.whitman@post.ca.gov.

INTERNET ACCESS

The Commission has posted on its website (www.post.ca.gov) the information regarding this proposed regulatory action. Select "Regulation Notices" from the topics listed on the website's home page.

**TITLE 14. CALIFORNIA
INTEGRATED WASTE
MANAGEMENT BOARD****NOTICE OF PROPOSED RULEMAKING****TITLE 14. NATURAL RESOURCES****DIVISION 7. CALIFORNIA WASTE
MANAGEMENT BOARD****CHAPTER 3. MINIMUM STANDARDS FOR
SOLID WASTE HANDLING AND DISPOSAL****ARTICLE 3.5. TEMPORARY WAIVER
OF TERMS****PROPOSED REGULATORY ACTION**

The California Integrated Waste Management Board (CIWMB) proposes to amend Title 14, Califor-

nia Code of Regulations (14 CCR), Division 7, Chapter 3, Article 3.5, commencing with section 17211. The proposed regulations establish the procedures for issuance of a waiver of terms and conditions of solid waste facilities permits during temporary emergencies.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. The written comment period for this rulemaking ends at 5:00 p.m. on October 15, 2002. The CIWMB will also accept written and oral comments during the public hearing described below. Please submit your written comments to:

Mary Madison-Johnson
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025, MS 15
Sacramento, CA 95812-4025
FAX: (916) 341-6329
e-mail: mmadison@ciwmb.ca.gov

PUBLIC HEARING

CIWMB will conduct a public hearing on the proposed regulations before the Permitting and Enforcement Committee of the CIWMB at the Joe Serna, Jr. Cal/EPA Building, 2nd Floor, Central Valley Auditorium, 1001 I Street, Sacramento, CA on November 6, 2002. The hearing will begin at 9:00 a.m. and will conclude after all testimony is given. The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The Central Valley Auditorium is wheelchair accessible.

INFORMATIVE DIGEST

The Integrated Waste Management Act (Act) [AB 939 (Sher), Stats. 1989, c. 1095], Public Resources Code (PRC) Section 40000 et seq., provide for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC Section 40502 requires the CIWMB to adopt rules and regulations to implement this Act. PRC Section 45011(a) allows an enforcement agency to issue an order establishing a time schedule for a solid waste facility that is violating the Act, its regulations or certain orders, or threatens public health, safety or the environment to be brought into compliance. The proposed regulations interpret PRC Section 45011 by specifying a type of enforcement order setting out a compliance schedule. The proposed regulations establish the procedures for issuance of a stipulated

agreement, which is a waiver of specific terms and conditions of a solid waste facilities permits during temporary emergencies.

Current regulations provide temporary waivers in declared emergencies, such as the effects of the January 17, 1994, Northridge earthquake aftershocks [14 CCR § 17008]. The proposed regulations would establish procedure for granting temporary waivers of specific terms and conditions of a facility's permit when necessary due to an emergency that is not a declared emergency. This rulemaking proposes to add sections 17211 through 17211.9, to Title 14, California Code of Regulations, Division 7, Chapter 3, adding Article 3.5: Temporary Waiver of Terms.

The process by which a temporary waiver of permit terms and conditions is obtained involves creation of a "stipulated agreement", an enforceable document written by the Local Enforcement Agency. Although this is a new term in environmental enforcement, it is essentially the same as an "agency order" and is a form of enforcement order allowed under the Act. The stipulated agreement is subject to public review, comment, and appeal.

POLICY STATEMENT OVERVIEW

The proposed regulations provide guidance for administering a stipulated agreement to waive specific terms and conditions of solid waste facilities permits during temporary emergencies; allowing an enforcement agency to issue an order establishing a time schedule for a facility to be brought into compliance.

PLAIN ENGLISH REQUIREMENTS

CIWMB staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and 11346.2(a)(1). The proposed final regulations are considered nontechnical and are written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

PRC Sections 40502, 43020, and 43021 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific PRC Section 45011.

FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

LOCAL MANDATE AND FISCAL DETERMINATIONS

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school

district that must be reimbursed in accordance with Government Code Division 4, Part 7, (commencing with Section 17500); 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

EFFECT ON HOUSING COSTS

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

EFFECT ON BUSINESSES

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CIWMB staff determined that the proposed regulations would have no significant economic impact on small businesses within the state of California. The proposed regulations authorize the waiver of certain terms and conditions of solid waste facilities permits. Thus, they reduce, rather than increase, governmental regulation of solid waste facilities. Further, the waivers will not be common, since they are available only in the event of temporary emergencies. Finally, the duration of the waivers is expected to be short, since most temporary emergencies to which the regulations apply will be short-lived.

EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the State of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

CIWMB staff determined that the adoption of the proposed regulations would not have a cost impact on private persons or enterprises, and could provide significant economic benefit in the case of a qualifying emergency.

CONSIDERATION OF ALTERNATIVES

Other alternatives to the proposed regulations have been considered, including a "no-action" alternative. The Board must determine that specifying the stipulated agreement process in regulation is the most effective and least burdensome to owners and operators of solid waste facilities while at the same time

protecting human health and safety and the environment. More generally, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which this action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Mary Madison-Johnson
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025, MS 15
Sacramento, CA 95812-4025
FAX: (916) 341-6329
e-mail: mmadison@ciwmb.ca.gov

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Erica Weber
California Integrated Waste Management Board
Permitting and Enforcement Division
P.O. Box 4025
Sacramento, CA 95812-4025
(916) 341-6328
FAX: (916) 319-7405
e-mail: eweber@ciwmb.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Mary Madison-Johnson at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Rulemaking/PermitEnfPol/>

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public hearing; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 14. FISH AND GAME COMMISSION

NOTICE OF PROPOSED CHANGES IN REGULATIONS

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 1580, 1581, 1583 and 1907 of the Fish and Game Code and to implement, interpret or make specific sections 1526, 1528, 1530 and 1580–1585 of said Code, proposes to amend Section 630, Title 14, California Code of Regulations, relating to Ecological Reserves.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, there are 119 ecological reserves designated in Section 630, Title 14, CCR for the purpose of protecting sensitive habitats and species. The Department is requesting that this section be amended to add three new ecological reserves to this listing. The three new reserves are:

Leek Springs consisting of 160 acres in El Dorado County for the protection of wet meadow and red fir forest for the spotted owl, northern goshawk, willow flycatcher, great gray owl, marten, wolverine, Sierra Nevada red fox and downstream fisheries.

Burton Mesa, 5125 acres, Santa Barbara County as an ecological reserve to protect one of the last significant stands of Burton Mesa Chaparral, a rare natural community.

Agua Hedionda Lagoon, 186 acres, San Diego County as an ecological reserve to protect southern willow riparian forest and salt marsh for the light-

footed clapper rail, least Bell's vireo, Belding's savannah sparrow, coastal California gnatcatcher and willow flycatcher.

The reasons for listing these properties in Title 14 are to regulate public use and provide the best available protection for the species and habitats the properties were acquired to protect. Since the properties contain sensitive species and important vegetation communities, and act as linkages for other important protected lands, it is necessary and appropriate to provide this level of regulatory protection to prevent improper use and degradation of wildlife resources. In order to do this efficiently, the Department has a set of general regulations which apply to all ecological reserves.

The Department may write special regulations for individual properties, as it thinks appropriate, to give an additional level of protection, or to permit specific public uses not governed by the general regulations. The Department is requesting special regulations for these reserves based on management information gathered which shows these amendments are necessary to protect the habitat or species within the properties.

Special regulations for Leek Springs Ecological Reserve will allow entry by permission of the regional manager only and prohibit fishing, pets, horses and bicycles in order to protect sensitive habitat and species. Vehicles will be prohibited, except for use by adjacent landowners and authorized personnel who may only use a road easement which bisects the property.

Special regulations for Burton Mesa Ecological Reserve will restrict motor vehicle use to management and public safety purposes to protect the rare chaparral community and allow upland game hunting in areas and at times specified by the Department. Since hunting is not normally permitted on ecological reserves, the special regulation is necessary when the Department determines that this kind of public use is appropriate and will cause no impacts to protected species and habitat.

Special regulations for Agua Hedionda Lagoon Ecological Reserve will prohibit fishing to protect vegetation and species, and allow for cooperative management of the reserve for fish and wildlife, and public safety with the County of San Diego.

For existing reserves, the Department wishes to amend special area regulations for Macklin Creek, Carrizo Plains, Morro Dunes, Blue Sky, Rancho Jamul, Upper Newport Bay, Carrizo Canyon, Magnesia Spring and Santa Rosa Plateau ecological reserves. Amendment of special area regulations for Carrizo Plains, Morro Dunes, and Rancho Jamul ecological reserves will identify new and existing units of the reserves to assist in carrying out management and

public use activities, and additionally for Rancho Jamul, to allow activities associated with planned educational, conference, training and regional land management activities. An additional amendment for Carrizo Plains will allow nighttime biological surveys and associated activities.

Special regulations at Macklin Creek Ecological Reserve will prohibit fishing, hunting and public access to protect the federally threatened Lahontan cutthroat trout, while two special regulations at Upper Newport Bay Ecological Reserve will limit fishing and boating to certain areas to protect vegetation and sensitive species.

Special regulations will prohibit pets from entering Carrizo Canyon and Magnesia Spring ecological reserves unless they remain inside a motor vehicle for the protection of peninsular bighorn sheep. The addition of a special regulation for Blue Sky Ecological Reserve will prohibit bicycles to protect vegetation and species. A special regulation limiting equestrian use to docent led tours at Santa Rosa Plateau Ecological Reserve will be deleted to allow improved access to equestrian trails.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the board of Supervisors Chambers, 981 H Street, Suite 100, Crescent City on Friday, October 25, 2002 at 8:30 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments may be submitted on or before October 16, 2002 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@dfg.ca.gov, but must be received no later than October 25, 2002 at the hearing in Crescent City. E-mail comments must include the true name and mailing address of the commentator.

The regulations as proposed in ~~strikeout~~-underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, John M. Duffy, Assistant Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct inquiries to John M. Duffy or Tracy L. Reed at the preceding phone number. Kari Lewis, Department of Fish and Game, (916) 445-3789 has been designated to respond to questions on the substance of the proposed regulations. Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the above address. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.dfg.ca.gov>

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed regulatory action adds three ecological reserves to Title 14 and special regulations for nine existing reserves in order to provide maximum protection of wildlife and habitat and to manage appropriate public use. It is not expected to negatively affect businesses, because the regulations are enforced only on the specific state properties named.

- (b) Impact on the Creation or Elimination of Jobs within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None.
- (c) Cost Impacts on a Representative Private Person or Business:
The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- (d) Costs or Savings to State agencies or Costs/Savings in Federal funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.

- (g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None.

- (h) Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business.

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

TITLE 15. BOARD OF PRISON TERMS

**NOTICE OF PROPOSED REGULATORY ACTION
RN 02-02**

SUBJECT

DECISION REVIEW PROCESS

NOTICE IS HEREBY GIVEN that the Board of Prison Terms (Board) proposes to amend sections 2000, 2041, 2042, 2043 and 2044 of Title 15, Division 2, California Code of Regulations (CCR) after considering all comments, objections, and recommendations regarding the proposed action.

AUTHORITY

These regulations are submitted pursuant to the Board's authority under Penal Code sections 3041, 3052 and 5076.2.

REFERENCE

These regulations are amended to implement, interpret, and/or make specific, Penal Code sections 1170.2, 3041, 3042, 3060, 3063.5, 3063.6, 5075 and 5076.1.

PUBLIC HEARING

A public hearing regarding the proposed regulatory action has not been scheduled. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant

to the proposed regulations to the Board. *The written comment period on the proposed regulations will close at 5:00 p.m., on October 31, 2002.* All comments must be submitted in writing (by mail, fax, or e-mail) to the Agency Contact Person identified in this Notice by that time in order for them to be considered by the Board.

Comments may be submitted to:

Lori Manieri, Regulations Coordinator
Board of Prison Terms
1515 "K" Street, Sixth Floor
Sacramento, CA 95814
Telephone: (916) 445-5277
Facsimile No.: (916) 322-3475
E-mail: regcomment@bpt.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code section 3052 vests with the Board the authority to establish and enforce rules and regulations under which prisoners committed to state prisons may be allowed to go upon parole outside of prison when eligible for parole.

This action will implement Senate Bill 778 (PC § 3041(b)), whereby the Board reviews proposed decisions for inmates serving indeterminate terms. In addition, this action will modify and clarify decision review procedures for other decisions rendered by the Board.

Pursuant to Penal Code section 3041, the Board (during the third year of incarceration) is required to meet with each inmate to document the prisoner's activity and conduct, and one year prior to the inmate's minimum eligible parole release date, to determine, after considering specific criteria, whether the inmate is eligible for parole.

California Code of Regulations (CCR), title 15, sections 2041 and 2042 set out the decision review process whereby within a specified period of time, a proposed decision is either, 1) affirmed, 2) a new hearing ordered, or 3) modified without a new hearing. No decision shall be modified without a new hearing if the modification would be adverse to the prisoner's or parolee's interest. An order for a new hearing vacates the proposed decision. The purpose of the decision review process is to assure complete, accurate, consistent, and uniform decisions and the furtherance of public safety. The Board bases its determination to disapprove or modify a decision on specific criteria outlined in CCR section 2042 and any information or comments received from the public pursuant to CCR section 2028.

The proposed modifications to the regulations will clarify the existing decision review process referring to each type of hearing, and indicating who shall review the proposed decision, the timeframe within

which the decision will be reviewed, the determination made, and the effective date of the decision. The modifications provide that any new information received during decision review, that is adverse to a life prisoner, will be forwarded to the prisoner and the attorney to afford them the opportunity to respond. Additional modifications include clarification of the review criteria utilized in disapproval or modification of proposed decisions (CCR § 2042); modification of the effective date of decisions for life prisoners (CCR § 2043); and an increase in the amount of time in which the full board (en banc review) must review a proposed decision referred by a member of the hearing panel or upon the request of the Governor (CCR § 2044).

LOCAL MANDATES

The Board has determined that the proposed action imposes no mandate upon local agencies or school districts.

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: *None*
- Cost or savings to any state agency: *None*
- Other non-discretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

EFFECT ON HOUSING COSTS

The Board has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Board has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments will not affect small businesses because they apply only to inmates and parolees of California penal institutions.

ASSESSMENT OF EFFECTS ON JOB AND/OR
BUSINESS CREATION, ELIMINATION
OR EXPANSION

The Board has determined that the proposed amendment to regulations will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action.

CONTACT PERSON

Please direct requests for copies of the initial statement of reasons, the proposed text of the regulations, or other information upon which the rulemaking is based to:

Lori Manieri, Regulations Coordinator
Board of Prison Terms
1515 "K" Street, Sixth Floor
Sacramento, CA 95814
(916) 445-5277

In any such inquiries, please identify the action by using the **Board's regulation control number RN 02-02.**

Note: In the event the contact person is unavailable, inquiries should be directed to the following backup contact person at the same address as noted above: **Pearl McGuire, 324-9895.**

Questions on the substance of the proposed regulatory action may be directed to: **John Winn, Chief Counsel, 322-6279.**

Website Access: Materials regarding this proposal can be accessed from the Board's website at: www.bpt.ca.gov.

AVAILABILITY OF THE INITIAL STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

The Board has prepared and will make available the initial statement of reasons and the text of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all the information on which the proposal is based, is available to the public upon request from the agency contact person indicated above. Additionally, this notice of proposed action, the initial statement of reasons, and the proposed text of the regulations are available on the Board's Internet Home Page at (www.bpt.ca.gov).

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Following the preparation of the final statement of reasons, copies may be obtained from the Board contact person, and also by fax, or e-mail.

AVAILABILITY OF CHANGES TO
PROPOSED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 16. BOARD OF PHARMACY

NOTICE IS HEREBY GIVEN that the Board of Pharmacy is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held on October 23, 2002 at the Radisson Hotel Berkeley Marina, 200 Marina Boulevard, Berkeley, CA 94710 at 2:00 p.m.

Written comments must be received by the Board of Pharmacy at its office not later than 5 p.m. on Monday, October 14, 2002. Comments may be submitted by facsimile at (916) 327-6308. Comments may be submitted by email to Paul_Riches@dca.ca.gov. Comments may be submitted by mail to:

Board of Pharmacy
Attn: Paul Riches
400 R Street, Suite 4070
Sacramento, CA 95814

The Board of Pharmacy upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 4005 of the Business and Professions Code, and to implement, interpret or make specific Section 4005, the Board of Pharmacy is considering changes to Division 17 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations substantially revise and update existing board regulations relating to the compounding of sterile drug products. The board is required to develop such standards by Senate Bill 293 (Chapter 827, Statutes of 2001) as the standard for licensure of sterile injectable compounding pharmacies. The proposed regulations establish standards for compounding all sterile drug products (including injectables) based on the board's rulemaking authority in Business and Professions Code 4005. Section 4005 states in pertinent part,

"The board may adopt rules and regulations, not inconsistent with the laws of this state, as may be necessary for the **protection of the public**. Included therein shall be the right to adopt rules and regulations as follows: . . . pertaining to the **practice of pharmacy**; relating to the sanitation of persons and establishments licensed under this chapter; pertaining to **establishments wherein any drug or device is compounded**, prepared, furnished, or dispensed; **providing for standards of minimum equipment** for establishments licensed under this chapter. . . ." (emphasis added)

The board has proposed these regulations both to fulfill the requirements of Senate Bill 293 and to generally decrease the likelihood of contamination in compounded sterile drug products. The proposed regulations were drafted to establish a minimum standard that is consistent with patient safety and good pharmacy practice. The proposed regulations preserve patient access to compounded sterile drug products.

Section 1751 (Amend)

Recasts existing law relating to the maintenance of a class 100 environment for the compounding of sterile drug products. Specifies that reconstituting a sterile powder with a single sterile diluent by an appropriately licensed health care professional does not require a class 100 environment.

Section 1751.01 (Add)

Defines risk categories and cleanliness standards in sterile compounding. Risk categories are defined based on the nature of the components used in compounding, the complexity of the compounding process, the length of time the compounded drug is stored, and the route of administration.

Section 1751.02 (Add)

Establishes process and facility standards for compounding category 1 sterile drug products.

Section 1751.03 (Add)

Establishes process and facility standards for compounding category 2 sterile drug products.

Section 1751.04 (Add)

Establishes process and facility standards for compounding category 3 sterile drug products.

Section 1751.05 (Add)

Clarifies the responsibility of the pharmacist in compounding sterile drug products.

Section 1751.06 (Add)

Requires pharmacists to use professional judgment when applying these standards including situations where failure to compound a drug would result in the loss of life or intense suffering. Specifies that a pharmacist should consider the patient's condition when making a determination regarding the compounding process for each particular drug.

Section 1751.07 (Add)

Specifies that intermediate sterile products compounded in the pharmacy that have passed sterility testing may be considered a manufactured sterile product for risk categorization purposes.

Section 1751.2 (Repeal)

Repealed. The provisions of this section were revised and those revisions were incorporated in this proposed regulation.

Section 1751.3 (Repeal)

Repealed. The provisions of this section were revised and those revisions were incorporated in this proposed regulation.

Section 1751.4 (Repeal)

Repealed. The provisions of this section were revised and those revisions were incorporated in this proposed regulation.

Section 1751.5 (Amend)

Recasts existing provisions requiring patient consultation for compounded sterile drug products. Deletes existing requirements relating to the training of personnel involved in compounding that are addressed in earlier sections.

Section 1751.6 (Amend)

Updates terminology relating to waste disposal.

Section 1751.7 (Repeal)

Repealed. The provisions of this section were revised and those revisions were incorporated in this proposed regulation

Section 1751.8 (Repeal)

Repealed. The provisions of this section were revised and those revisions were incorporated in this proposed regulation

Section 1751.9 (Amend)

Updates terminology relating to references for sterile compounding.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Potential costs vary based on the number of governmental pharmacies that perform sterile compounding activities, the existing facilities and equipment at those pharmacies, and the nature of the sterile compounding activities required at those pharmacies. Maximum potential cost is less than \$10,000 per sterile compounding pharmacy.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None.

Business Impact: The Board of Pharmacy has made an initial determination that the proposed regulations may have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states. The Board of Pharmacy has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

The rulemaking file includes the facts, evidence, documents testimony, and/or other evidence which supports this determination.

Identification of the types of businesses that would be affected: Any pharmacy performing sterile compounding may be affected by these requirements; those pharmacies that meet the proposed standards and

possess the specified equipment for the type of sterile compounding they perform will not have the costs for compliance that pharmacies without such equipment and procedures will incur to come into compliance. The regulation specifies the requirements for each level of compounding. Each pharmacy performing sterile compounding will need to determine what level of compounding it performs or wishes to perform, identify the equipment and procedures necessary as specified in the regulation, and evaluate what it must do to become compliant. At this point, the pharmacy can assess its cost of compliance.

The following reporting, record keeping or other compliance requirements are projected to result from the proposed action: the requirement that category 3 sterile compounding occur in a Class 10,000 clean-room.

Impact on Jobs/New Businesses: The Board of Pharmacy has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Representative Private Persons or Businesses: Potential costs vary based on the number of pharmacies that perform sterile compounding activities, the existing facilities and equipment at those pharmacies, and the nature of the sterile compounding activities required at those pharmacies. Maximum potential cost is less than \$10,000 per sterile compounding pharmacy.

Effect on Housing Costs: The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse impact on housing costs.

EFFECT ON SMALL BUSINESSES

The Board of Pharmacy has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The Board of Pharmacy must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to the attention of the board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board of Pharmacy has prepared the initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons and other information, if any, may be obtained at the hearing or prior to the hearing upon request from the Board of Pharmacy at 400 R Street, Suite 4070, Sacramento, California 95814 and at the Board of Pharmacy's website <http://www.pharmacy.ca.gov>.

FINAL STATEMENT OF REASONS

The Board of Pharmacy will prepare a final statement of the reasons for the proposed action and a copy of this will be available upon request from the board or from the board's website <http://www.pharmacy.ca.gov>.

**AVAILABILITY AND LOCATION OF
THE RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the Board of Pharmacy at the address mentioned above.

CONTACT PERSON

Inquiries regarding the substance of the proposed action may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016 (Paul_Riches@dca.ca.gov). Inquiries regarding notices for this or other rulemaking proposals may be addressed to Candy Place at the above address or at (916) 445-5014 ext. 4006. Inquiries regarding notices for this or other rulemaking proposals may be addressed to Paul Riches at the above address or at (916) 445-5014 ext. 4016.

**TITLE 19. OFFICE OF
EMERGENCY SERVICES**

NOTICE OF PROPOSED RULEMAKING

The Office of Emergency Services ("OES") proposes to revise the regulations as described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The OES proposes to amend portions of Sections 2520, 2530, 2540 and 2560 in Title 19 of the California Code of Regulations (CCR). These sections govern the California Hazardous Substances Incident Response Training and Education Program. This action adds applicable sections of the regulations concerning new courses, revises course instruction and administration procedures, revises instructor certification requirements and incorporates new Instructor Guides and Student Notebooks by reference.

PUBLIC HEARING

The OES has not scheduled a public hearing on this proposed action, however, the OES will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the OES. The written comment period closes at 5:00 PM on October 14, 2002. The OES will consider only comments received at the OES offices by that time. Submit comments to:

Michael H. Brady
Chief, Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P. O. Box 8123
San Luis Obispo, CA 93403-8123

AUTHORITY AND REFERENCE

Government Code § 8574.20(a) authorizes the Governor's Office of Emergency Services to adopt regulations necessary to implement the California Hazardous Substances Incident Response Training and Education Program as described in Government Code § 8574.19.(c).

**INFORMATIVE DIGEST POLICY/
POLICY STATEMENT OVERVIEW**

The current laws, found under Title 19 CCR, Sections 2520, 2530, 2540 and 2560 provide a framework and uniformity for the training certification and maintenance of instructors and curriculum. The law sets the minimum standards of instructional competence to be delivered and maintained. By requiring measurable competence and monitoring and maintaining the instructional support structure, the Office of Emergency Services assures a high level of instructor competence and course delivery.

The proposed actions are intended to refine, fine tune and enhance the quality of the delivered training. They include a variety of corrections, deletions and rearrangements based on instructional experience, feedback from students, peer reviews, changes in the industry, changes in O.S.H.A. law and other standards. As an example; the proposed actions reorganizing the hazardous materials technician curriculum will simplify the presentation by eliminating duplication of information; provide improved experiential skills sessions through student to equipment ratios and provide the course manager improved flexibility in course presentation.

Government Code § 8574.20 authorizes the Governor's Office of Emergency Services to develop curriculum, establish minimum standards for instructors, train and certify instructors, approve classes, certify students and review and revise the program. This action modifies the existing regulations in Chapter 1, Division 2, Title 19 of the California Code of Regulations. The following is a summary of the proposed major changes:

Additions:

2520(e), (f), (m), (n), (p), (q), (t) and (u) Added provisions allowing courses to be taught in less than 40 hours.

2520(h) Added objectives to incorporate material previously taught in a separate course (Response Technician/Specialist Instructor Orientation).

2520(k) Added provision requiring course length to be 40 hours. Added requirement for instructor to provide each student with a copy of the DOT Placarding and Labeling chart.

2520(k) Added several objectives deleted from 2520(l).

2520(l) Added provision allowing the use of the Hazcat™ Chemical Identification System. Added requirements for: atmospheric monitoring exercise, instructors to provide common types of monitoring instruments (at least one instrument of each type per two students), instructor to provide one set of printed chemical reference material for every six students and electronic reference material with at least one computer for every three students.

2520(m) Added several objectives deleted from 2520(n)

2520(n) Added several objectives deleted from 2520(m)

2520(p) Added provision allowing the use of the Hazcat™ Chemical Identification System.

2520(s) Added provisions for state-certified courses that comply with OSHA regulations for all levels of waste site workers.

2520(y) Added an Awareness level course addressing response to incidents nuclear, biological and chemical (NBC) agents.

2520(z) and (aa) Added option for a written examination.

2520(bb) Added requirements for new Awareness level course for responding to clandestine methamphetamine laboratories.

2520(cc) Added requirements for new Operations level course for responding to clandestine methamphetamine laboratories.

2520(dd) Added requirements for new mass casualty decontamination course.

2530 Added provision to allow 8 hour train-the-trainer courses for specialized subjects. Added requirements to become certified to teach new courses added by this rulemaking.

2540(d) Added requirement for instructors to provide sufficient numbers of equipment and reference sources and mandates specific ratios for each.

Deletions:

2520(i) Deleted material that has been incorporated by reference into regulations for Instructor Certification course described in 2520(h).

2520(k) Decreased amount of time spent on basic chemistry and deleted applicable objectives.

2520(l) Deleted material that has been incorporated into regulations for Basic Chemistry course described in 2520(k). Deleted requirement for students to identify substances that are water-reactive or that contain cyanide.

2520(m) Deleted material that has been incorporated into 2520(n).

2520(m) Deleted several printed reference books from those required.

2520(n) Deleted material that has been incorporated into 2520(m).

2520(r) Deleted Hazardous Materials Emergency Response Technician/Specialist Instructor Orientation Course. Course has been incorporated into existing Instructor Certification courses.

2530(b) Deleted requirement for Technician/Specialist Orientation course.

Alterations:

2520(e) Changed title of course and made several editorial corrections to clarify and update language.

2520(i) Decreased time required for student presentations.

2520(l) Made various editorial corrections to improve clarity of language.

2520(m) Increased the number of reference books required from 1 for every 10 students to 1 for every 6 students. Updated types of ICS forms required to reflect changes to standard ICS forms.

2520(n) Updated objectives related to U.S. DOT regulations to reflect recent changes in those regulations.

2520(p) Reduced the number of unknown substances students are required to identify. Revised objective regarding depressurization of general service railcars. Revised objective regarding knowledge of basic chemistry.

2520(s) Revised objectives to make them more accurately comply with applicable OSHA regulations.

2520(w) Changed name to "Hazardous Materials Operations and Decontamination for Healthcare". Changed focus of course from OSHA Awareness level to Operations level. Various editorial changes to bring language into compliance with regulatory changes in the healthcare field. Increased hours required for course.

2520(z) Moved requirements for existing Operations level NBC course to this section from 2520(y).

2520(aa) Moved requirements for existing Incident Commander level NBC course to this section from 2520(z).

2530 Several revisions of course titles, instructor certification requirements and course requirements to reflect changes in other sections by this rulemaking.

2540(j) Changed course length requirements to allow courses to be completed in less than 40 hours when OSHA regulations permit.

2540(k) Revised safety policy to allow greater flexibility for the course manager to provide emergency medical service and to make notifications of injuries.

2540(m) Revised requirements for Haz Mat Investigations courses to allow greater flexibility on who can attend.

2540(s) Revised requirements for refresher classes to simplify procedures and allow instructors greater flexibility.

The program authorized by Government Code § 8574.20 has no federal counterpart. There is no comparable federal regulation or statute.

DISCLOSURES REGARDING THE PROPOSED ACTION

The OES has made the following determinations:

Mandate by federal law or regulation: None.

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other non-discretionary cost or savings imposed upon local agencies: None.

Cost or savings in federal funding to the state: None.

Significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with business in other states: None

Adoption of these regulations will (1) neither create nor eliminate jobs within California, (2) create new business or eliminate existing businesses within California, or (3) affect the expansion of businesses currently doing business within California: None.

Significant effect on housing costs: None.

Effect on small business: Yes.

Business reporting requirements: None.

COST OR SAVINGS TO ANY STATE AGENCY

Agencies conducting specific courses (Such as Title 19 CCR Section 2520 (l) through (q)—except (o)) will incur additional costs. These agencies will be able to absorb the additional costs into their existing budgets and resources. No additional costs or savings are incurred because the remainder of these regulatory changes are technical, non-substantive or clarifying changes to the current law and regulations.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, Subdivision (a)(13), the OES must determine that no alternative is considered or that has otherwise been identified and brought to its attention, that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The OES invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR DIRECTLY AFFECTED BUSINESSES

This proposal would require individuals teaching certain courses to have on hand specific pieces of equipment. This proposal mandates specific equipment/student ratios for each type of equipment. Instructors would have to buy, rent or borrow sufficient equipment to teach one of these courses. The agency makes every effort to supply instructors certified under this program with all material necessary to conduct training as per these regulations. These regulations contain minimal record-keeping requirements that impose no significant cost or burden.

CONTACT PERSON(S)

Please direct general or substantive inquiries concerning the proposed action to either Mr. Brady or Mr. Lodge:

Michael H. Brady
Chief, Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P. O. Box 8123
San Luis Obispo, CA 93403-8123
Telephone: 805-549-3549

(Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. Lodge.)

Mark Lodge
Regulations Coordinator
Hazardous Materials Section
California Specialized Training Institute
Governor's Office of Emergency Services
P. O. Box 8123
San Luis Obispo, CA 93403-8123
Telephone: 805-549-3204
Fax: 805-549-3555
Internet: mark.lodge@oes.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The OES will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. Additional copies will be made available at convenient locations as needed. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons. You may obtain copies by contacting Mr. Mark Lodge at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the OES may adopt the proposed regulations substantially as described in this notice. If the OES makes modifications which are sufficiently related to the originally proposed text it will make the modified text—with changes clearly indicated—available to the public for at least 15 days before the OES adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Mr. Mark Lodge at the address indicated above. The OES will accept written comments on modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying at the conclusion of the rulemaking process at its office at the above address and on the internet at www.oes.ca.gov. The OES will mail copies of the Final Statement of Reasons to everyone who received a copy of the Notice of Proposed Rulemaking and to everyone who requested

a copy of the proposal. You may obtain a copy by contacting Mr. Mark Lodge at the address or phone number listed above.

INTERNET ACCESS

The OES will have the entire rulemaking file, including the Final Statement of Reasons, available for inspection and copying throughout the rulemaking process and at the conclusion of the rulemaking process on the internet at www.oes.ca.gov.

TITLE 20. CALIFORNIA ENERGY COMMISSION

NOTICE OF PROPOSED ACTION

FOR ADOPTION OF AMENDMENTS TO THE ENERGY COMMISSION'S POWER PLANT SITING REGULATIONS

Docket No. 02-SIT-1

August 2002

The California Energy Commission ("Commission") proposes to amend its regulations for Applications for Certification in Title 20, California Code of Regulations. The proposed amendments are authorized of sections 25213, 25218(e), 25539, and 25541.5 of the Public Resources Code. These regulations would implement, interpret, and make specific various sections of the Warren-Alquist Act (Public Resources Code, section 25000 et seq.) and one section of the California Environmental Quality Act. (Public Resources Code, section 21000 et seq.)

NOTICE THAT A PUBLIC HEARING IS SCHEDULED

The possible adoption of the proposed amendments has been scheduled for a public hearing as follows:

Commission Business Meeting
October 23, 2002, beginning at 10:00 a.m.
California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814
Hearing Room A is wheelchair-accessible.

ORAL AND WRITTEN STATEMENTS

Interested persons wishing to address the Commission about the proposed amendments at the hearing must submit written comments to the Commission on or prior to October 15, 2002 by mailing them to:

Docket Unit
California Energy Commission
Docket No. 02-SIT-1
1516 9th Street, MS-4
Sacramento, CA 95814

Or e-mailing them to: DOCKET@energy.state.ca.us
Or faxing them to Dockets at (916) 654-4354

All written comments must be identified with "Docket No. 02-SIT-1."

COPIES OF THE INITIAL STATEMENT OF REASONS AND THE TEXT

The Commission has prepared an initial statement of reasons for the proposed regulations. To obtain a copy of the initial statement of reasons or the express terms of the proposed amendments, please contact Richard Buell at (916) 653-1614 or by e-mail at rbuell@energy.state.ca.us. Additionally, the Commission has available all the information upon which the proposed regulations are based; to obtain copies, please send a request to the Docket Unit at the above address or call (916) 654-5076.

INTERNET ACCESS

The Energy Commission's website will contain materials regarding this rulemaking proceeding. It can be accessed at the following address: <http://www.energy.ca.gov/siting/rulemaking/>

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the final statement of reasons by contacting Richard Buell at (916) 653-1614 or by e-mail at rbuell@energy.state.ca.us.

POSSIBLE CHANGES

If the Commission considers changes to the proposed regulations pursuant to Government Code section 11346.8, and the changes are sufficiently related to the original text and within the scope of this Notice, a full copy of the text will be available for review at least 15 days prior to the date on which the Commission adopts or amends the resulting regulations.

PUBLIC ADVISER

The Commission's Public Adviser's Office is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228.

CONTACT PERSONS

Inquiries concerning all aspects of the amendment process, including the substance of the proposed regulations, should be directed to Richard Buell, Project Manager, at (916) 653-1614 or by e-mail at rbuell@energy.state.ca.us. Mr. Buell's designated backup contact person is Chris Tooker, who can be reached at (916) 653-1634.

INFORMATIVE DIGEST

The Warren-Alquist State Energy Resources Conservation and Development Act (Public Resources Code Section 25000 et seq.) created the Commission and vested it with a wide range of duties and responsibilities related to the development and conservation of energy resources in California. Included in the Commission's responsibilities is ensuring sufficient electricity to meet California's needs through the siting of thermal electric generating facilities of 50 megawatts (MW) or greater generating capacity.

The proposed amendments would clarify and update the siting process to ensure that these responsibilities are carried out by making the following changes:

Adding section 1237 to establish a separate post-certification complaint process

Existing regulations, sections 1230 through 1236, establish one process to handle all complaints. The proposed amendment would add a new section after these sections to establish a completely separate procedure for handling complaints exclusively for matters related to power plant licensing by the Commission. The proposed addition of section 1237 would specify the required contents of a complaint. It would then give Commission staff 30 days to investigate a complaint and file a report detailing staff's conclusions. It would also allow written comments on either the complaint or the staff report to be submitted within 14 days after issuance of the staff report. The proposed amendments would then give the assigned committee 30 days from issuance of the staff report to dismiss the complaint for insufficiency or lack of merit, issue a written decision on the complaint, or conduct hearings to further investigate the matter and then issue a written decision. The proposed amendments would also set forth a process to appeal the committee's decision.

A reference to this new section would be added to section 1231. The amendments would also clarify that a complaint could be dismissed under section 1232 for lack of merit. Reference in sections 1231 and 1232 to Public Resources Code sections 25451 and 25452 would be deleted because these sections have been repealed.

Changing the construction deadline under section 1720.3 and instituting a deadline for start of operation

Existing section 1720.3 sets forth a deadline of five years after the effective date of the decision for commencement of construction. The proposed amendment to section 1720.3 would require the installation of concrete foundations for major project structures within two years after the effective date of the decision with the possibility of extending this deadline an additional year. The one-year extension would be

predicated on a showing by the project owner that there is good cause to extend the deadline and that the project will continue to conform with all applicable laws, ordinances, regulations and standards (LORS) and will not result in any significant adverse impacts to the environment or to congestion in the electrical system.

The proposed amendment would authorize the Commission to amend the project's conditions of certification to ensure conformance with LORS or to ensure that all significant adverse impacts are mitigated. The proposed amendment would also add an operation deadline of two years from the installation of concrete foundations for major structures and would authorize the Commission to extend this deadline based on good cause.

Changing section 1768 to clarify where a notice of decision must be filed and to make consistent with the Public Resources Code requirements

Existing section 1768 requires the Commission to file a notice of decision on a power plant application for certification with both the Secretary of the Resources Agency and the Governor's Office of Planning and Research.

Public Resources Code section 21080.5(d)(2)(E), which applies to the Energy Commission, only requires a certified regulatory agency to file its notice of decision with the Secretary of Resources. The proposed amendment to section 1768 would clarify that the notice of decision need only be filed with the Secretary of the Resources Agency.

Changing section 1769 to clarify under what circumstances a modification to an existing license will be allowed

Existing section 1769 allows a modification of a power plant licensed pursuant to Public Resources Code section 25500 et seq. to be approved by the Commission if, among other things, the change is based on new information not available to the parties prior to Commission certification.

The proposed amendment to section 1769 would clarify that in order to approve a modification based on new information, the commission must find that the new information was not known or could not have been known with the exercise of reasonable diligence prior to the Commission decision.

NO INCORPORATION BY REFERENCE

The proposed regulations would not incorporate any documents by reference.

SMALL BUSINESS IMPACTS

The Commission concludes that the proposed regulations would not affect small business. The proposed regulations would be purely procedural and

timing clarifications and would impose no additional requirements upon any small business. Improvements and clarifications to the Commission's siting process would benefit the entire state, including small business, by helping to ensure an adequate supply of electricity.

LOCAL MANDATE DETERMINATION

If adopted, the proposed regulations would not impose a mandate on local agencies or school districts.

COST/SAVINGS ESTIMATE

There would be no costs or savings to any state agency, and no costs to any local agencies or school districts that are required to be reimbursed under Government Code section 17500 et seq., resulting from the proposed regulations. Additionally, there would be no cost or savings in federal funding to the state as a result of these amendments. There would be no other nondiscretionary cost or savings imposed on local agencies.

**INITIAL DETERMINATION—ECONOMIC
IMPACT ON BUSINESSES**

The California Energy Commission hereby declares that it has made an initial determination that the proposed changes to the siting regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Commission and its staff are unaware of any legitimate cause and effect relationship between the proposed procedural and timing clarifications and a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based upon the following facts: (1) the proposed regulations would mainly clarify Energy Commission procedures, and result in no additional burdens, duties, or costs upon power plant applicants; and (2) the Commission and its staff are unaware of any legitimate cause and effect relationship between the proposed procedural clarifications and amendments and a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Energy Commission believes the proposed regulations would assist in the prompt licensing and monitoring of power plants in accordance with the Commission's statutory responsibilities.

**ASSESSMENT REGARDING JOBS
AND BUSINESSES**

The Commission's assessment is that the proposed amendments to the siting regulations would have no effect on the creation or elimination of California jobs

and no effect on the creation of new business or the elimination or expansion of existing business within California. The number of power plants applied for, licensed, and then built would not be foreseeably changed by the proposed regulations.

The proposed regulations would require no new reports.

POTENTIAL FOR ADVERSE IMPACTS ON BUSINESS AND INDIVIDUALS

The Commission's assessment is that the proposed amendments to the siting regulations would have no potential for adverse economic impact on California business enterprises and individuals.

The Commission's further assessment is that the proposed amendments would avoid the imposition of unnecessary or unreasonable regulations or reporting, record keeping, or compliance requirements.

CONSIDERATION OF ALTERNATIVE PROPOSALS

Before adopting the proposed amendments, the Commission must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. To date the Commission is not aware of any alternatives that would be more effective or less burdensome than the proposed regulations.

IMPACT ON HOUSING COSTS

If adopted, the proposed regulations would not have an effect on housing costs.

COST IMPACT ON PRIVATE PERSONS AND BUSINESSES

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

RELATIONSHIP TO FEDERAL REGULATIONS

There are no comparable federal regulations or statutes governing the Energy Commission's procedural requirements for licensing power plants in California. Furthermore, no federally mandated regulation or amendment is being proposed.

STATUTORY AUTHORITY AND REFERENCE

Authority: Sections 25213, 25218(e), 25539, and 25541.5 Public Resources Code.

Reference: Section 11180 Government Code; Sections 21080.5, 25210, 25216.5, 25362, 25500, 25519, 25523, 25532, 25534, 25534.1, 25541.5, 25900, and 25967, Public Resources Code.

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF PROPOSED CHANGES IN REGULATIONS

ORD #0702-18

ITEM # 2 Child Care Provider Notification Regulations

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held October 15, 16 and 17, 2002, as follows:

October 15, 2002

Community Care Licensing
1000 Corporate Center, Suite 200
Monterey Park, California

October 16, 2002

State Office Building # 9
744 P St. Auditorium
Sacramento, California

October 17, 2002

Elihu Harris State Building
1515 Clay Street, Room #15
Oakland, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at any hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on October 17, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearings, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
FACSIMILE: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

California Code of Regulations, Title 22, Division 12, Chapter 1 (Child Care Center General Licensing Requirements), Section 101218.1 (Admission Procedures) and Chapter 3 (Family Child Care Homes), Sections 102419 (Admission Procedures) and 102421 (Child's Records).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These amendments are necessary to implement the Department of Social Services' policy requiring child care licensees to inform parents of their right to information about any adults associated with the facility who have been granted a criminal record exemption. These required parental rights are now listed in this regulation section along with other parental rights information that was previously only listed in the Health and Safety Code and other regulation sections. These regulations require licensees, upon request by the parent or authorized representative, to provide the name and type of association to the facility of any adult who has been granted a criminal record exemption, and that the name of the person may also be obtained by contacting the local licensing office.

COST ESTIMATE

1. Costs or Savings to State Agencies: There would be a negligible fiscal impact.
2. Costs to Local Agencies or School Districts: There would be a negligible fiscal impact on local agencies and no fiscal impact on school districts.

3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded state agency or program.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require state reimbursement under Section 17500, et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. However, some child care workers may choose to leave employment in the child care industry. The potential for closures and staff reductions is not expected to have a substantial or long-term impact on the availability of child care for working families.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there may be an impact on small businesses as a result of filing these regulations, however, any costs are expected to be minor and assumable.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the

regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Section 1596.81 of the Health and Safety Code. Subject regulations implement and make specific Sections 1596.853, 1596.859, 1596.874, 1597.07, and 1597.56 of the Health and Safety Code.

**CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: John Flores
(916) 657-2586

**CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION**

Program Contact: Ruth McGregor
(916) 229-4510

Backup: Linda Inglett
(916) 229-4509

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**AGENDA ITEMS FOR THESE PUBLIC
HEARINGS—October 15, 16 and 17, 2002**

ITEM #1 ORD #0602-12
CalWORKs 180-Day Family Reunification
Extension

ITEM #2 ORD #0702-18
Child Care Provider Notification
Regulations

**TITLE MPP. DEPARTMENT OF
SOCIAL SERVICES**

**NOTICE OF PROPOSED CHANGES
IN REGULATIONS**

ORD #0602-12

ITEM # CalWORKs 180-Day Family Reunification
Extension

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in

writing relevant to the proposed regulations at public hearings to be held October 15, 16, and 17, 2002, as follows:

October 15, 2002

Community Care Licensing
1000 Corporate Center, Suite 505
Monterey Park, California

October 16, 2002

State Office Building # 9
744 P St. Auditorium
Sacramento, California

October 17, 2002

Elihu Harris State Building
1515 Clay Street, Room #15
Oakland, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearings immediately following the completion of testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at any hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on October 17, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below or on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearings, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814
TELEPHONE: (916) 657-2586
TELEFAX: (916) 654-3286
E-MAIL: ord@dss.ca.gov

CHAPTERS

Chapter 40-100 (General), Section 40-181 (Continuing Activities and Determination of Eligibility); Chapter 42-700 (Welfare-to-Work), Sections 42-710 (18- and 24-Month Time Limit), 42-711 (Welfare-to-Work Participation Requirements), and 42-721 (Non-compliance With Program Requirements); Chapter 44-300 (Aid Payments), Section 44-314 (Maximum Family Grant [MFG]); Chapter 80-300 (Definitions and Forms), Section 80-301 (Definitions); and Chapter 82-800 (Assistance Unit), Section 82-812 (Temporary Absence).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The passage of Assembly Bill (AB) 429, Chapter 111, Statutes of 2001, makes changes to Welfare and Institutions Code Section 11203 as it pertains to the temporary absence of CalWORKs Assistance Unit (AU) members. The revision permits the parents of children who have been removed from the home and receiving out-of-home care, to continue to receive CalWORKs funded services, such as substance abuse and mental health services, if the county determines such services are necessary for family reunification. These regulations insure services, necessary for family reunification, will be available to eligible parents.

COST ESTIMATE

1. Costs or Savings to State Agencies: Savings of approximately \$2,840,000 annually, already budgeted in the 2002–2003 State Fiscal Year. These savings have already been included in the CY budget (2002–2003) due to anticipated reduction in Foster Care assistance costs. There will be no service costs because services are to be funded with the existing single allocation.
2. Costs to Local Agencies or School Districts: Savings of approximately \$4,260,000 annually, already budgeted in the 2002–2003 State Fiscal Year, due to anticipated reduction in Foster Care assistance costs. There will be no service costs because services are to be funded with the existing single allocation.
3. Nondiscretionary Costs or Savings to Local Agencies: None.

4. Federal Funding to State Agencies: Savings of approximately \$3,377,000 annually, already budgeted in the 2002–2003 State Fiscal Year, due to anticipated reduction in Foster Care assistance payments. There will be no service costs because services are to be funded with the existing single allocation.

LOCAL MANDATE STATEMENT

These regulations do impose a mandate upon local agencies but not upon school districts. The mandate does not require reimbursement pursuant to part 7 (commencing with Section 17500) of Division 4 of the California Constitution because implementation of the regulations will result in no costs and may result in savings.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Welfare and Institutions Code Sections 10553, 10554, 10604, and 11203. Subject regulations implement and make specific Welfare and Institutions Code Sections 10553, 10554, 11203, 11323, 11325.21, 11325.4, 11327.5, 11454, 15204.2, 15204.8, 16501, 16501.1(d), (e), (f), and (g), and 16507; 42 USC 408(a)(10); 42 USC Section 608; 45 CFR 233.20; and *Nickols v. Saenz*, San Francisco Superior Court Case Number 310867, August 25, 2000.

**CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION**

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Richard P. Torres
(916) 657-2586

**CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION**

Program Contact: Beverly Skillicorn
(916) 654-1068

Backup: Maria Hernandez
(916) 654-1450

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

**AGENDA ITEM FOR THESE PUBLIC
HEARINGS—October 15, 16, and 17, 2002**

- ITEM #1 ORD #0602-12
CalWORKs 180-Day Family Reunification
Extension
- ITEM #2 ORD #0702-18
Child Care Provider Notification
Regulations

DECISION NOT TO PROCEED

DEPARTMENT OF TRANSPORTATION

NOTICE OF DECISION NOT TO PROCEED

Pursuant to Government Code section 11347, the California Department of Transportation has elected not to proceed with rulemaking noticed as OAL Notice

File No. Z-02-0205-14, (permits) published on February 22, 2002, in the California Regulatory Notice Register 2002, NO. 8-Z

Public comments to the proposed amendments were overwhelmingly negative.

Future proposals and public mailings will focus on one or two sections of Chapter 7, Transportation Permits so as to provide for more direct public comment during the drafting process. If your name is on the enclosed mailing list, you will receive a copy of these proposals. If you have any questions, or if you would like your name removed from the list, please call me at (916) 653-5732.

Bob Martin
Office of Commercial Vehicle Services

Date: August 19, 2002

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

AIR RESOURCES BOARD
Vapor Recovery Test Methods

Since 1975, the Air Resources Board (Board) has adopted certification and test procedures for vapor recovery systems for gasoline dispensing facilities. In 2000, the Board approved the enhanced vapor recovery (EVR) regulations which represented a substantial change to the vapor recovery certification program. As new designs and systems have been developed, the need has arisen for new more specific performance specifications. This regulatory action incorporates new specifications and test procedures into the certification process.

Title 17
California Code of Regulations
ADOPT: 94164, 94165 AMEND: 94010, 94011,
94153, 94155, 94163,
Filed 08/19/02
Effective 09/18/02
Agency Contact:
Diane M. Johnston (916) 322-2884

AIR RESOURCES BOARD

Auto Repair and Mobile Equipment Refinish ATCM

This airborne toxic control measure will prohibit the addition of hexavalent chromium and/or chromium to motor vehicle and /or mobile equipment coatings used primarily in auto bodyshops in California.

Title 17

California Code of Regulations

ADOPT: 93112

Filed 08/20/02

Effective 09/19/02

Agency Contact: Kirk C. Oliver (916) 322-6533

BOARD OF EDUCATION

Mathmatics and Reading Professional Development

Low student scores in mathematics and reading/ language arts on California standardized tests provide evidence of the need for intensive and sustained development in these subjects for teachers and others providing instruction in California. This filing is a certificate of compliance for an emergency regulatory action implementing the Mathematics and Reading Professional Development Program which is intended by the Legislature to provide such training.

Title 5

California Code of Regulations

ADOPT: 11980, 11981, 11982, 11983, 11984, 11985,

Filed 08/15/02

Effective 09/14/02

Agency Contact: Pat McGinnis (916) 657-4669

BOARD OF EQUALIZATION

Publishers

This regulatory action interprets and explains the Sales and Use Tax Law as it applies to transfers of tangible personal property by and to publishers.

Title 18

California Code of Regulations

AMEND: 1543

Filed 08/19/02

Effective 09/18/02

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF EQUALIZATION

Photographers, Photocopiers, Photo Finishers & X-Ray Laboratories

This rulemaking adds a cross reference in order to alert commercial photographers who are acting as commercial artists that the application of tax to their transactions is explained in section 1540.

Title 18

California Code of Regulations

AMEND: 1528

Filed 08/20/02

Effective 09/19/02

Agency Contact: Diane G. Olson (916) 322-9569

BOARD OF PSYCHOLOGY

Training in Alcoholism/Chemical Dependency Detection and Treatment

The Board of Psychology is making minor editorial changes to the captioned section.

Title 16

California Code of Regulations

AMEND: 1382.3

Filed 08/20/02

Effective 09/19/02

Agency Contact: Kathy Bradbury (916) 263-0712

DEPARTMENT OF AGING

Conflict of Interest; AAA Definition

The California Department of Aging is filing a nonsubstantive change to its conflict of interest code found at the captioned section. The changes were approved for filing by the Fair Political Practices Commission on August 14, 2002.

Title 22

California Code of Regulations

AMEND: Chapter 1; Section 7000

Filed 08/21/02

Effective 09/20/02

Agency Contact:

Patricia Osfeld

(916) 323-4580

DEPARTMENT OF CHILD SUPPORT SERVICES

Case Intake Process

This action would require local child support agencies to make applications available to the public and to accept all applications for child support services and referrals of public assistance recipients from the county welfare department. These regulations also specify requirements for establishing a case record and processing a case, and specify requirements related to screening for family violence and activating a family violence indicator.

Title 22, MPP

California Code of Regulations

ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12

Filed 08/15/02

Effective 08/15/02

Agency Contact: Curtis L. Child

DEPARTMENT OF CHILD SUPPORT SERVICES

Director Qualifications

This emergency rulemaking sets minimum qualifications for the directors of local child support agencies and otherwise implements Family Code section

17304. Family Code section 17306 provides these regulations are deemed to be emergency regulations and shall remain in effect for no more than 180 days.

Title 22

California Code of Regulations

ADOPT: 111560

Filed 08/14/02

Effective 08/14/02

Agency Contact: Lucila Ledesma (916) 464-5087

DEPARTMENT OF CORPORATIONS

CRMLA Regulatory Exam (AB 459 2001)

This is the timely certification of compliance for an emergency action that provides guidelines for the frequency of routine departmental examinations of escrow agent licensees and licensees under the California Residential Mortgage Lending Act, and standards for the conduct of an independent audit and preparation of the report concerning the audit required by section 17406 of the Financial Code.

Title 10

California Code of Regulations

ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5

Filed 08/20/02

Effective 08/20/02

Agency Contact: Kathy Womack (916) 322-3553

DEPARTMENT OF CORRECTIONS

Employee Early Intervention Programs

This regulatory action adopts the Early Intervention Program (EIP) which is designed to provide departmental employees who have sustained an industrial injury/illness with information regarding the assessment and processing of qualified claims and the available choices regarding benefit options and compensability. This regulatory action was originally submitted to the Office of Administrative Law (OAL) on February 15, 2002 but was disapproved by OAL on April 2, 2002 for lack of clarity. Between May 20, 2002 and June 10, 2002, changes to this regulation were made available for public comment and this regulatory action was resubmitted to OAL on July 15, 2002.

Title 15

California Code of Regulations

ADOPT: 3426

Filed 08/19/02

Effective 09/18/02

Agency Contact: Ann Cunningham (916) 322-9690

DEPARTMENT OF FOOD AND AGRICULTURE

Developmental Engine Fuel Regulation

The regulatory action deals with developmental engine fuel.

Title 4

California Code of Regulations

ADOPT: 4144

Filed 08/15/02

Effective 09/14/02

Agency Contact: David Lazier (916) 229-3044

DEPARTMENT OF FOOD AND AGRICULTURE

Grapevine Loss Assistance Program

This Certificate of Compliance establishes the Grapevine Loss Assistance Program which will provide assistance to vineyard owners with losses due to Pierce's disease spread by the glassy-winged sharpshooter.

Title 3

California Code of Regulations

ADOPT: 3664, 3665, 3666, 3667, 3668, 3669

Filed 08/19/02

Effective 08/19/02

Agency Contact:

Barbara J. Hass (916) 654-1017

DEPARTMENT OF INSURANCE

Rental Car Agent License Fee Renewal

This emergency rulemaking establishes a renewal fee for a rental car agent license.

Title 10

California Code of Regulations

AMEND: 2130.3

Filed 08/19/02

Effective 08/19/02

Agency Contact: Stan Bair (415) 538-4116

DEPARTMENT OF MANAGED HEALTH CARE

Arbitration/Settlement Regulations

This action will require health care service plans to provide the Department with copies of written settlement agreements and arbitration decisions prepared to resolve controversies between plans and their enrollees.

Title 28

California Code of Regulations

ADOPT: 1300.73.21

Filed 08/19/02

Effective 09/18/02

Agency Contact:

Elizabeth Spring (916) 323-9613

DEPARTMENT OF PESTICIDE REGULATION

Registration

Changes without regulatory effect to remove redundant and potentially confusing language, correct a typo error, and to add to a section header for further information on topic in section.

Title 3

California Code of Regulations

AMEND: 6172, 6192, 6200, 6252

Filed 08/14/02
Effective 08/14/02
Agency Contact:

Linda Irokawa-Otani (916) 445-3991

FAIR POLITICAL PRACTICES COMMISSION
Restrictions on Contributions Between State Candidates

This emergency regulation provides an inflation adjustment for the \$3,000. cap on candidate contributions by candidates set forth in Government Code sections 85305 and 85301(a), along with brief interpretation and comment on the application of the limit. It is exempt from OAL review, and subject only the 6/4/74 version of the APA. Filing of a certification of compliance within 120 days will be required pursuant to section 11422.1 of the 1974 version of the APA.

Title 2
California Code of Regulations
ADOPT: 18535
Filed 08/19/02
Effective 08/19/02
Agency Contact: Hyla Wagner (916) 322-5660

FISH AND GAME COMMISSION
Yuba River Sport Fishing Regulations

The regulatory action deals with sport fishing in specified areas of the Yuba River.

Title 14
California Code of Regulations
AMEND: 7.50 (b)(212)
Filed 08/21/02
Effective 08/21/02
Agency Contact: John M. Duffy (916) 653-4899

STATE PERSONNEL BOARD
Whistleblower Retaliation Complaints

These are regulations concerning Whistleblower Retaliation Complaints. The action is being submitted to OAL for filing with the Secretary of State and printing only. These regulations are exempt from the Administrative Procedure Act pursuant to Government Code section 18211.

Title 2
California Code of Regulations
ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
Filed 08/14/02
Effective 08/14/02
Agency Contact: Steve Unger (916) 651-8461

TECHNOLOGY, TRADE AND COMMERCE AGENCY

Rural Investment Tax Exemption

In this regulatory action, the Technology, Trade and Commerce Agency (on behalf of the California Infrastructure and Economic Development Bank,

which is within the Agency) sets forth regulations relating to the "Rural Investment Tax Exemption" program authorized under Revenue and Taxation Code section 6378.1. In general, this program provides for a partial sales and use tax exemption for entities which locate or expand a business in a California county with a high unemployment rate and which meet specified investment and employment requirements in the county.

Title 10
California Code of Regulations
ADOPT: 5480, 5480.1, 5480.2, 5480.3, 5480.4, 5480.5, 5480.6, 5480.7, 5480.8
Filed 08/15/02
Effective 09/14/02
Agency Contact: Terri Toohey (916) 324-3787

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN APRIL 17, 2002
TO AUGUST 21, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 2

08/19/02 ADOPT: 18535
08/14/02 ADOPT: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8
08/12/02 ADOPT: 57.1, 57.2, 57.3, 57.4
08/12/02 ADOPT: 1859.71.2, 1859.78.4, 1859.108
AMEND: 1859.50, 1859.70, 1859.72, 1859.73.1, 1859.73.2, 1859.74.1, 1859.75.1, 1859.76, 1859.78.2, 1859.79.3, 1859.81, 1859.81.1, 1859.82, 1859.100, 1859.101, 1859.102, 1859.107
08/07/02 ADOPT: 59000
07/31/02 ADOPT: 18450.1
07/25/02 AMEND: 2970
07/11/02 ADOPT: 1859.200, 1859.201, 1859.202, 1859.203, 1859.204, 1859.205, 1859.206, 1859.207, 1859.208, 1859.209, 1859.210, 1859.211, 1859.212, 1859.213, 1859.214, 1859.215, 1859.216, 1859.217, 1859.218, 1859.219, 1859.220
07/11/02 AMEND: 554.6
07/11/02 AMEND: 18707.4
06/27/02 ADOPT: 18450.3, 18450.4, 18450.5
AMEND: 18402

06/27/02 ADOPT: 2351
 06/25/02 AMEND: 1189.10
 06/20/02 AMEND: 561.2, 561.3
 06/20/02 REPEAL: 548.96
 06/17/02 AMEND: 18239, 18615, 18616
 06/06/02 ADOPT: 18572
 05/28/02 ADOPT: 1896.300, 1896.310, 1896.320,
 1896.330, 1896.340, 1896.350, 1896.360,
 1896.370
 05/22/02 AMEND: 571(a)(5)
 05/13/02 AMEND: 18428
 05/10/02 AMEND: 18351
 05/09/02 AMEND: 20202, 20206, 20210, 20224,
 20234, 20298, 20350, 20363, 20910
 REPEAL: 20106, 20205, 20213
 05/02/02 ADOPT: 1859.104.1, 1859.104.2,
 1859.104.3 AMEND: 1859.2, 1859.21,
 1859.50, 1859.51, 1859.61, 1859.70,
 1859.73.1, 1859.73.2, 1859.74.1,
 1859.75.1, 1859.76, 1859.78.2,
 1859.79.3, 1859.81, 1859.81.1, 1859.82,
 1859.91, 1859.95, 1859.100, 1859.101,
 1859.102,
 04/26/02 ADOPT: 18520 AMEND: 18521, 18523,
 18523.1
 04/19/02 ADOPT: 18537.1

Title 3

08/19/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
 3669
 08/14/02 AMEND: 6172, 6192, 6200, 6252
 08/13/02 AMEND: 3423(b)
 07/25/02 AMEND: 3423(b)
 07/23/02 ADOPT: 7015
 07/18/02 AMEND: 6000, 6710
 07/11/02 AMEND: 3700(b)
 07/03/02 AMEND: 1392.1, 1392.2, 1392.4,
 1392.9.1
 07/01/02 ADOPT: 1180.3.1, 1180.3.2 AMEND:
 300(c)
 06/20/02 REPEAL: 3431, 3591.17
 06/13/02 AMEND: 2303(t)
 06/13/02 ADOPT: 1366
 06/11/02 AMEND: 3425(b)
 06/10/02 AMEND: 6391, 6393, 6394, 6395
 06/10/02 AMEND: 3406(b)
 06/04/02 AMEND: 3591.16(a)
 05/29/02 AMEND: 1380.19, 1436.38, 1446.7,
 1454.14, 1462.15
 05/16/02 AMEND: 1428.12, 1428.16
 05/02/02 AMEND: 3700(a), (b), & (c)
 04/23/02 AMEND: 3591.12(a)
 04/23/02 ADOPT: 899.2 AMEND: 899.1
 04/18/02 AMEND: 6510, 6793

Title 4

08/15/02 ADOPT: 4144
 08/13/02 AMEND: 7000, 7001, 7002, 7003,
 7003.5, 7004, 7005, 7006, 7007, 7008,
 7009, 7010, 7011, 7012, 7013, 7013.1,
 7013.5, 7014, 7015 7016, 7017
 08/08/02 AMEND: 8072, 8074
 07/30/02 AMEND: 2050
 07/08/02 AMEND: 2049
 07/01/02 ADOPT: 12100, 12102, 12104, 12106,
 12108, 12110, 12120, 12130
 05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
 8115, 8116, 8117, 8118, 8119, 8120,
 8121, 8122, 8123, 8124, 8125
 05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,
 3010 AMEND: 1928

Title 5

08/15/02 ADOPT: 11980, 11981, 11982, 11983,
 11984, 11985,
 08/13/02 ADOPT: 11969.10 REPEAL: 11969.9
 07/31/02 AMEND: 30950, 30951.1, 30952, 30953,
 30954, 30955, 30956, 30957, 30958,
 30959
 07/30/02 ADOPT: 11969.1, 11969.2, 11969.3,
 11969.4, 11969.5, 11969.6, 11969.7,
 11969.8, 11969.9
 07/29/02 AMEND: 3051.16, 3065
 07/15/02 AMEND: 80105, 80109, 80110, 80111,
 80112, 80113, 80114, and 80115
 06/28/02 ADOPT: 11983.5
 06/11/02 AMEND: 11530, 11531
 06/05/02 AMEND: 59311, 59328, 59342
 05/21/02 AMEND: 80026.4, 80026.6, 80122
 05/20/02 ADOPT: 55205, 55207, 55209, 55211,
 55213, 55215, 55217, 55219 AMEND:
 55316.5, 58003.1, 58003.3, 58007,
 58009, 58051, 58056 REPEAL: 55317,
 55352, 55370, 55372, 55374, 55376,
 55378, 55380
 05/08/02 ADOPT: 80434 AMEND: 80001
 05/03/02 ADOPT: 54045.5, 58003.6

Title 8

08/05/02 AMEND: 3362
 07/31/02 AMEND: 4799
 07/30/02 ADOPT: 290.0, 290.1, 291.0, 291.1,
 291.2, 291.3, 291.4, 291.5 292.0, 293.0,
 294.0, 295.0
 07/11/02 AMEND: 3241(a)
 07/01/02 ADOPT: 417.5 AMEND: 406, 411.1, 415,
 417.3 REPEAL: 411.2, 411.3, 411.4
 06/20/02 AMEND: 3700, 3702
 06/18/02 AMEND: 5189
 06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
 06/03/02 AMEND: 5034(f)
 06/03/02 AMEND: 4885
 05/28/02 AMEND: 3650, 3664

05/20/02 AMEND: 32125, 32130, 32140, 32603,
32604, 32720, 32735, 32738, 32739,
32744, 32752, 32763, 32980
05/07/02 ADOPT: 11080, 11090, 11100, 11110,
11120, 11130, 11150 REPEAL: 11080,
11090, 11100, 11130, 11130, 11150
05/06/02 AMEND: 3089
05/02/02 AMEND: 100, 106, 107
05/01/02 ADOPT: 11140 AMEND: 11140
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
1671, 1709, 1710
04/22/02 AMEND: 2320.2 of the Low voltage
Electrical safety orders

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1 and 3122.0

Title 9

07/31/02 ADOPT: 9851, 9874 AMEND: 9800,
9846, 9852, 9854, 9856, 9858, 9867,
9876, 9884, 9886 REPEAL: 9857
06/28/02 ADOPT: 9526, 9531 AMEND: 9500,
9505, 9515, 9530, 9535

Title 10

08/20/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
08/19/02 AMEND: 2130.3
08/15/02 ADOPT: 5480, 5480.1, 5480.2, 5480.3,
5480.4, 5480.5, 5480.6, 5480.7, 5480.8
08/12/02 AMEND: 2318.6
08/12/02 AMEND: 2318.6, 2353.1
08/05/02 REPEAL: 310.100.1
07/10/02 ADOPT: 1422, 1423
07/02/02 AMEND: 6070
06/24/02 ADOPT: 2698.68
06/20/02 AMEND: 2498.6
06/20/02 ADOPT: 2729.5, 2790.6, 2846.1
AMEND: 2790.1, 2791.8, 2792, 2800,
2810, 2811, 2910, 2911, 2912, 2930
06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
06/07/02 AMEND: 5.2001 and Appendix
06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
01-1219-06 E
06/03/02 ADOPT: 2187.3 AMEND: 2186.1,
2187.1, 2187.2
06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12, 2192.13
05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
04/29/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
04/29/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6631, 2699.6717
AMEND: 2699.6500, 2699.6600,
2699.6605, 2699.6607, 2699.6611,
2699.6613, 2699.6617, 2699.6623,

2699.6625, 2699.6629, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.6809

Title 11

08/13/02 AMEND: 1005
07/02/02 ADOPT: 410, 411, 415, 416, 417, 418,
419, 419.1, 419.2, 419.3, 420, 421, 422,
423, 424, 425, 426 REPEAL: 410, 411,
415, 416, 417, 418, 419, 420, 421, 422,
423, 424, 425, 426
07/01/02 AMEND: 1081
06/27/02 AMEND: 987.1
06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14, Appendix A
05/24/02 AMEND: 1005
05/21/02 AMEND: 1005
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,
449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48
04/26/02 AMEND: 1005, 1008
04/25/02 ADOPT: 1081(a)(32)
04/23/02 AMEND: 3000, 3001, 3003, 3007, 3008
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
906, 907, 908, 911

Title 13

07/25/02 AMEND: 422.01
07/22/02 ADOPT: 2444.2 AMEND: 2111, 2112,
2139, 2140, 2147, 2440, 2441, 2442,
2443.1, 2443.2, 2443.3, 2444, 2445.1,
2445.2, 2446
07/10/02 AMEND: 1213.1, 1230, 1239
07/05/02 ADOPT: 225.00, 225.03, 225.06, 225.09,
225.12, 225.15, 225.18, 225.21, 225.24,
225.27, 225.30, 225.33, 225.36, 225.39,
225.42, 225.45, 225.48, 225.51, 225.54,
225.57, 225.60, 225.63, 225.66, 225.69,
225.72
06/24/02 ADOPT: 1962.1 AMEND: 1900, 1962
06/24/02 AMEND: 1270
06/18/02 AMEND: 1
06/03/02 AMEND: 565
05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 &
the Incorporated Test Procedure
04/29/02 AMEND: 350.44

Title 14

08/21/02 AMEND: 7.50 (b)(212)
08/13/02 ADOPT: 844.3, 844.4, 844.5 AMEND:
790, 840, 840.1, 841, 842, 843, 843.1,
843.2, 843.3, 843.4, 843.6, 843.7, 843.8,
843.9, 844, 844.1, 844.2, 844.6, 844.7,
845, 845.1, and 845.2

08/12/02 ADOPT: 150.02, 150.04
 08/09/02 AMEND: 670.2
 08/06/02 AMEND: 28.59
 07/31/02 ADOPT: 50.00, 50.01, 50.02, 50.03, 51.00, 51.01, 51.02, 51.04, 51.05, 155.01, 155.05, 155.10 AMEND: 109
 07/25/02 AMEND: 791.7; Forms FG OSPR-1925, FG OSPR-1947, and FG OSPR-1972.
 07/25/02 ADOPT: 18085, 18086, 18087, 18088 AMEND: 18011, 18056
 07/17/02 AMEND: 2090, 2105, 2420, 2425, 2530, 2690 renumbered to 2850
 07/15/02 ADOPT: 916.13, 936.13, 956.13, 916.13.1, 936.13.1, 956.13.1, 916.13.2, 936.13.2, 956.13.2, 916.13.3, 936.13.3, 956.13.3, 916.13.4, 936.13.4, 956.13.4, 916.13.5, 936.13.5, 956.13.5, 916.13.6, 936.13.6, 956.13.6, 916.13.7, 936.13.7, 956.13.7, 916.13.8, 936
 07/12/02 AMEND: 895.1, 898, 914.8, 934.8, 954.8, 916, 936, 956, 916.2, 936.2, 956.2, 916.9, 936.9, 956.9, 916.11, 936.11, 956.11, 916.12, 936.12, 956.12, 923.3, 943.3, 963.3, 923.9, 943.9, 963.9
 06/28/02 ADOPT: 708 AMEND: 265, 308, 360, 361, 362, 363, 364, 365, 367, 368, 401, 555, 601, 711 REPEAL: 370, 371, 372, 373
 06/27/02 ADOPT: 4971
 06/25/02 AMEND: 7.50
 06/24/02 AMEND: 791, 791.5, 791.7, 792, 793, 794, 795, 796, and 797.
 06/20/02 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9
 06/19/02 AMEND: 2030
 06/19/02 AMEND: 2135
 06/18/02 AMEND: 11900
 06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5
 06/06/02 ADOPT: 749.1
 06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171, 6179, 6184, 6185, 6200, 6206, 6222, 6243, 6254, 6255, 6262
 05/30/02 AMEND: 1104.1
 05/23/02 ADOPT: 52.10
 05/22/02 AMEND: 1037.4, 1092.19
 05/21/02 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225
 05/20/02 AMEND: 149
 04/29/02 AMEND: 27.80

Title 14, 27

06/21/02 AMEND: 18104.8, 18105.9, 18105.10, 21140

Title 15

08/19/02 ADOPT: 3426
 07/24/02 ADOPT: 3220.2, 3220.3 AMEND: 3220, 3220.1
 07/12/02 AMEND: 3000, 3454, 3456, 3457, 3458, 3459, 3460, 3462, 3463, 3464
 05/08/02 ADOPT: 4746.5
 05/06/02 AMEND: 3104
 04/17/02 AMEND: 3276

Title 16

08/20/02 AMEND: 1382.3
 08/08/02 AMEND: 1707.2
 08/07/02 ADOPT: 4140, 4141, 4142, 4143
 08/01/02 ADOPT: 3367, 3368
 07/31/02 AMEND: 2473
 07/30/02 AMEND: 1399.523
 07/26/02 AMEND: 3340.16, 3340.16.5, 3340.17, 3340.32, 3340.42, 3340.50 REPEAL: 3340.16.7
 07/17/02 AMEND: 1387.1
 07/03/02 AMEND: 3394.4 and 3394.6
 07/01/02 ADOPT: 638, 639, 640, 641
 06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50
 06/03/02 AMEND: 2034, 2036
 05/29/02 ADOPT: 980.1 AMEND: 974
 05/28/02 AMEND: 3340.42
 05/24/02 ADOPT: 832.06 AMEND: 832.05
 05/21/02 AMEND: 2006
 05/21/02 ADOPT: 2412 AMEND: 2411, 2418
 05/21/02 ADOPT: 1356.5
 05/16/02 AMEND: 832.54
 05/08/02 AMEND: 832.09
 05/02/02 AMEND: 3303, 3353, 3361.1

Title 17

08/20/02 ADOPT: 93112
 08/19/02 ADOPT: 94164, 94165 AMEND: 94010, 94011, 94153, 94155, 94163,
 08/08/02 AMEND: 30253
 08/08/02 AMEND: 58420
 07/22/02 ADOPT: 93105
 07/17/02 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626
 06/28/02 AMEND: 6508
 06/10/02 AMEND: 90700, 90701, 90702, 90703, 90704, 90705 & to the tables in Section 90705
 05/16/02 AMEND: 6508
 05/02/02 ADOPT: 2641.5, 2641.10, 2641.15, 2641.20, 2641.25, 2641.30, 2641.35, 2641.45, 2641.50, 2641.55, 2641.60, 2641.65, 2641.70, 2641.75, 2641.77, 2641.80, 2641.85, 2641.90, 2643.5, 2643.10, 2643.15, 2643.20.
 04/22/02 AMEND: 70500, 70600

Title 18

08/20/02 AMEND: 1528
 08/19/02 AMEND: 1543
 07/02/02 ADOPT: 1533.2
 06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26
 06/11/02 ADOPT: 255, 263, 264, 265 AMEND: 252, 254, 261, 304 REPEAL: 253, 256, 262
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 06/07/02 ADOPT: 1533
 06/07/02 ADOPT: 1525.7
 06/07/02 AMEND: 1533.1
 06/06/02 ADOPT: 1507
 06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413, 1470; section 1470 withdrawn from the instant filing.
 06/04/02 AMEND: 135
 05/29/02 AMEND: 23101.5
 05/20/02 ADOPT: 138
 05/16/02 ADOPT: 139
 05/15/02 AMEND: 1699
 05/14/02 AMEND: 1603
 05/14/02 AMEND: 905
 05/13/02 ADOPT: 1434
 05/13/02 ADOPT: 4011 AMEND: 4061
 04/17/02 ADOPT: 305.3

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05/22/02 ADOPT: 2000
 05/16/02 REPEAL: 596.15 & 596.16 & Article 12 thru Article 23 {all duplicated in the code}

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06/03/02 ADOPT: 1342, 1343, 1344 AMEND: 1302, 1303, 1306, 1307, 1308, 1340, 1341, 2503, 2505, 2507 REPEAL: 1342, 1343, 1344, 1349

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08/21/02 AMEND: Chapter 1 ; Section 7000
 08/14/02 ADOPT: 111560
 08/06/02 ADOPT: 63000.17, 63000.47, 63000.66, 63000.70, 63000.81, 63000.84, 63000.85, 63000.86, 63000.87, 63000.88, 63015, 63058 AMEND: 63000.19, 63000.37 (and renumbered to 63000.67), 63000.40, 63000.43, 63000.62, 63000.86 (and renumbered to 63000.89), 63000.89
 08/06/02 ADOPT: 66273.6, 66273.80, 66273.81, 66273.82, 66273.83, 66273.84, 66273.85,

66273.86, 66273.87, 66273.68, 66273.69, 66273.90 AMEND: 66271.9, 66273.1, 66273.8, 66273.9
 08/05/02 AMEND: 68200, 68201, 68202, 68203, 68204, 68205, 68206, 68207, 68208, 68209, 68210, 68211, 68212, 68213, 68214
 08/01/02 AMEND: 66262.54, 66264.71, 66264.72, 66265.71, 66265.72, 66270.30, Appendix
 07/22/02 ADOPT: 111550
 07/18/02 AMEND: 12705, 12805
 07/16/02 AMEND: 51503, 51503.2, 51504, 51505.1, 51505.2, 51505.3, 51507, 51507.2, 51507.3, 51509, 51509.1, 51514, 51517, 51521, 51527, 51527, 51529, 51535.5
 07/15/02 ADOPT: 64860
 07/03/02 ADOPT: 66268.31.5 AMEND: 66261.32, 66261.33, Ch. 11 App. VII, Ch. 11 App. VIII, 66268.7, 66268.33, 66268.39.5, 66268.40 and table entitled "Treatment Standards for Hazardous Wastes, 66268.48, 66268.49, Ch. 18 App. VII.
 06/19/02 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12
 06/10/02 ADOPT: 100178.1 AMEND: 100177, 100178
 04/30/02 AMEND: 51515(c), 51515(e), 51518(b), 51521(1), 51527(b)
 04/18/02 AMEND: 4304-12

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08/15/02 ADOPT: 110041, 110042, 110098, 110284, 110299, 110428, 110539, 110609, 112002, 112015, 112025, 112034, 112035 AMEND: 110430, 110431, 110473, 112100, 112110, 12130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302, REPEAL: 12
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 08/07/02 AMEND: 101218.1, 102419, 102421
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 07/24/02 ADOPT: 110000, 110042, 110046, 110088, 110099, 110109, 110129, 110135, 110147, 110148, 110150, 110164,

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87585(a), 87587, 87700, 87702,
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05/29/02 ADOPT: Title 22 section 119184 RE-
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05/02/02 ADOPT: 110411, 110625, 111110,
111120, 111210, 111220, 111230 RE-
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08/08/02 AMEND: 3953
07/30/02 AMEND: 2910
07/18/02 ADOPT: 3936
07/16/02 ADOPT: Publish new section 3935
06/07/02 ADOPT: 510, 511, 512, 513, 514, 515,
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04/17/02 AMEND: Article 6, section 645

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07/23/02 ADOPT: 10010(a), 10010(b),
10010(c), 10010(d) REPEAL: 10010
05/09/02 AMEND: 22200, 22228, 22233, 22248,
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08/19/02 ADOPT: 1300.73.21
08/12/02 ADOPT: 1001, 1002, 1003, 1004, 1005,
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07/17/02 ADOPT: 1300.67.05
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42-721.511(d)
08/01/02 AMEND: 40-181.1(e); 42-710.6; 42-
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721.4; 44-314.1, 44-2;80-301(r); and
82-812.6
07/26/02 AMEND: 63-402
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07/22/02 ADOPT: 40-188.136, 40-188.16, 40-
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